ANNUAL REPORT

OF

THE ONTARIO HIGHWAY TRANSPORT BOARD

FOR THE YEAR ENDING DECEMBER 31, 1980

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The Ontario Highway Transport Board, pursuant to Section 28 of The Ontario Highway Transport Board Act, R.S.O. 1970, Chapter 16, begs leave to submit its twenty-fifth Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1980.

Organization of the Board.

The Board is constituted as follows:

B.B. Alexander, Q.C.	Chairman
G.C. Marrs	Vice-Chairman
G.J. Norton	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
R.D. Sloan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To: The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the Annual Report for the Ontario Highway Transport Board for the calendar year ending December 31, 1980.

Respectfully submitted,

James Snow
Minister

To:

The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities of The Ontario Highway Transport Board for the calendar year ending on December 31, 1980.

Respectfully submitted,

Bruce B. Alexander, Q.C.
Chairman

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1980 Annual Report of the Board

MEMBERSHIP

It is with a great sense of sadness that we report the deaths of two former members of the Board.

Mr. Ralph Rothwell, 59 of Mississauga, a member of the Board for five years died on October 14, 1980. Mr. Rothwell's sudden passing removed from the Board an experienced and wise counsellor.

Mr. George W. Stoddart, 65 of Toronto, died on March 10, 1981 while vacationing in Montserrat in the West Indies. A member of the Board for 23 years Mr. Stoddart had retired on April 1, 1980. His record of distinguished service to the Board and his community was widely recognized and appreciated.

The passing of these gentlemen is mourned by their many friends and colleagues.

New Members

E.J. Canning – Appointed March 1, 1980

A former fuel oil executive, Mr. Canning has long been active in community affairs. He has served as Chairman of the Metro Toronto Library Board, Vice-Chairman of the Scarborough Public Library Board, Vice-Chairman of the Scarborough Centenary Hospital, he is a charter member of the Scarborough Mental Health Clinic and Past-President of the Scarborough Cancer Society. Mr. Canning is also an Honorary life member of the Oil Heating Association of Metropolitan Toronto.

C.F. Bark – Appointed September 1, 1980

A former insurance industry executive, Mr. Bark has been a member of the Toronto Junior Board of Trade since 1953 and has served on the executive committee of the Canadian Council for Unity.

M.H. Shecter – Appointed January 12, 1981

A prominent Toronto businessman, Mr. Shecter has been a member of the Board of the Ontario Furniture Manufacturers Association. In 1979 he was appointed to the Canadian Consultative Council on Multi-Culturalism. He is also a member of the National Executive of the Canadian Council of Christians and Jews and has been recognized for his efforts in this area.

These recent appointments bring the Board to its full strength of ten members. Seven of these have been appointed in the last three years.

The membership of the Board brings together a variety of skills and work experience. A situation which ensures that the Board continues to be responsive to the changes taking place in the transportation industry and has the expertise to recognize and understand the trends and forces in the marketplace which effect the industry and those it serves.

MANAGEMENT PROCESS

Staffing: The appointment of Mr. A. Stewart Kell as Managing Director of the Board and of Miss Margaret B. Shaw as Secretary to Vice-Chairman G.J. Norton brought the Board staff to full complement. Mr. Kell, formerly Manager, Project Development Office, Transportation Regulation Division of the Ministry of Transportation and Communications, brings with him 25 years of transportation experience.

Board staff promoted to fill out the Office of Proceedings were:

Mr. Felix D'Mello – Case Review and Information Officer
Mrs. Nadia Kalfayan – Case Review Clerk
Mr. Abdul Majid Malik – Supervisor of Court Clerks

Office of Proceedings: This office is now fully staffed and able to provide counsel to applicants and assistance with wording of applications prior to filing.

Office Accommodation: The redesign of the Board's offices has been finalized and the renovation work is expected to be completed during the summer of 1981. The new office lay-out provides for all staff functions and members offices to be located on one floor and features a central public information counter.

Telex: To provide improved service to Board clients a Telex unit has been installed on the premises. The Board call number is 06-22208.

Word Processing: The installation of a word processing system has enabled the Board to reduce the time required to produce the text of Certificates, Reasons for Decisions, etc. Additional benefits to be gained from the system will include month end statistical reports, a 12-hour status file and electronic data storage and retrieval.

Data Processing: The Board and the Ministry of Transportation and Communications co-operated in the development of a computer program which provides quick access to public vehicle and public commercial vehicle licence status and text information. Further Board involvement is indicated in the development of a fully automated public commercial vehicle and public vehicle licence system by the Ministry.

Internal Controls: The Board has implemented internal control procedures to ensure that applications are processed and dealt with in an expeditious manner. Applications for temporary or interim authorities are listed weekly and the list is updated daily on the basis of certificates mailed. If the application has not cleared the Board within 14 days the matter is pursued and an explanation inserted on the listing.

PUBLIC INFORMATION PROGRAM

As part of its public information program the Board has developed and published booklets which give the public general information on the Board and its function and specific information as to the application requirements for particular classes of licence.

The booklets, are:

"An Introduction to the Ontario Highway Transport Board"

"How to Apply for a Class 'H' P.C.V. Licence"

"How to Apply for a Class 'R' P.C.V. Licence"

Copies of these booklets may be obtained free of charge at the Board offices, 151 Bloor Street West, Toronto, Ontario M5S 2T5, or by writing or calling the Office of Proceedings, Telephone: 416-965-1845.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Court Decisions

In its Annual Report for 1979 the Board had reference to the Supreme Court of Ontario's decision in Parent Cartage and the impact of that decision on the Board's review powers. The thrust of that decision was that Section 17 of The OHTB Act could not be invoked to initiate a disciplinary review of an operating licence as such reviews came under the appropriate sections of The PCV Act. In general terms the Board can still review its decisions where the correctness of such decisions is in doubt or for the purpose of giving true effect to what was intended and within these parameters the Parent decision has been interpreted further in matters involving **Steinman Transportation Limited** and **Dial Transport Limited/Eagle Transport (Ontario) Limited.** In the first named the Supreme Court of Ontario held the Board to be within its jurisdiction in ordering a rehearing on the grounds that all the facts were not before the panel making the original decision. In the second case a matter involving an interpretation of an operating licence, the Court held that while an interpretation was involved the net effect of such would be disciplinary hence the Board was beyond its jurisdiction in seeking to review its certificate.

General

Throughout the year members of the Board have participated in working groups within the ambit of the Canadian Conference of Motor Transport Administrators (CCMTA). Of particular interest has been the working group made up of representatives of each Province and chaired by a member of Transport Canada which has reviewed the Motor Vehicle Transport Act Canada (MVTA).

The result of this review has been the formulation of suggested amendments to the MVTA addressing among other things, the joint hearing process, out of jurisdiction service of summonses, and adding regulation making powers that will permit the province and the federal government to formulate procedures; procedures that should assist the hearing process relative to extra-provincial applications. The suggested amendments will be presented to Ministers of all jurisdictions and given their approval will form the basis for legislative amendments to the MVT Act.

Public Hearings

Class 'R' Hearings (dump vehicles). In 1980 the Board held a series of public hearings to obtain information and data with respect to the supply and demand for Class 'R' vehicles. Hearings for this purpose were held throughout the province according to the following schedule:

February 4 — Kitchener
February 11 — London
February 14 — Windsor
February 18 — Peterborough
February 20 — Kingston
February 25 — Ottawa

March 3 — Sudbury
March 5 — Sault Ste. Marie

March 10 — Timmins
March 13 — Kapuskasing
March 17 — Thunder Bay
March 21 — Dryden
March 24 — St. Catharines
March 25 — Toronto

Evidence was presented to the Board by individuals, associations, shipper groups and municipal and provincial government officials. Following the hearings the Board issued a report which described demand and supply in each of the five licence regions of the province. The report noted the action that had or would be taken to ensure that the supply of vehicles was consistent with the demand. The conclusion the report reached was that additional Class 'R' vehicles would be required in the northern regions (Regions 5 and 6) but that the existing supply of vehicles in Regions 2, 3 and 4 was generally adequate for the demand.

A copy of the Board report is appended hereto as Appendix 'E'.

Class 'W' Hearings (wood products). Following the implementation of the Class 'W' licence under the Public Commercial Vehicles Act, the Board held a series of public hearings in northern Ontario and at Toronto, as follows:

May 21 — Thunder Bay
May 23 — Kenora
May 26 - 28 — North Bay

June 2 & 3 — Pembroke
June 9 - 13 — Sudbury
June 16 & 17 — Timmins
June 18 & 19 — Kapuskasing

October 10 — Toronto

At these hearings general evidence was presented with respect to the supply and demand for transportation in the lumber products industry and individual applications were heard. Decisions were subsequently rendered with respect to these applications. The Ministry is awaiting the results of a pending reference to the Supreme Court with respect to certain aspects of the Class 'W' licences before issuing further licences.

Probationary Licence Hearings. Legislation implementing the probationary licence under The P.C.V. Act was enacted on June 22, 1979, Bill 89 and followed the recommendations of the Report of the Select Committee on the Highway Transportation of Goods.

Hearings commenced on December 11th. After hearing the first group of applications the Board recessed with the intention of issuing policy guidelines before proceeding with the balance of the applications. It is expected that these guidelines will assist in the expeditious hearing of those remaining. Altogether 100 applications have been received on behalf of 66 applicants.

Public Meetings

The Board continues to utilize public meetings as a vehicle for increasing its knowledge of the transportation industry and as a forum for public input to Board policies and procedures. During the past year public meetings have been held in connection with,

(a) Class 'R' dump truck hearings – as listed.

(b) Complementary authority policy – October 2, 1980.

(c) Section 8 or "In Chambers" decisions policy – June 6, 1980.

(d) Class 'W' (wood products) hearings – as listed.

(e) Probationary applications – October 30, 1980.

Section 8 Proceedings – OHTB Act – In the interest of reducing the burden on the public of the time and cost of formal public hearings the Board has expanded the classes of applications that it will deal with under Section 8, Regulation 632, The Ontario Highway Transport Board Act. The reaction of the public and the legal profession to these proposals has been positive.

Adoption of the Section 8 procedures enabled the Board to substantially increase the number of applications dealt with in chambers and thereby reduce the time and cost to shippers and carriers alike of appearances before the Board. With certain limited exceptions almost all unopposed applications now are disposed of without a public hearing.

Complementary Authorities – The Board requires a carrier wishing to provide an extra-provincial service to first obtain authority from its home jurisdiction, where the home jurisdiction is involved in the service. Where the Board issues a certificate for an extra-provincial service to a carrier that has Ontario as the home jurisdiction it issues a certificate containing the requirement that complementary authorities from the other jurisdictions involved in the service be obtained and filed within a specified period of time, usually three (3) years. The licence file is reviewed by the Board approximately three (3) months prior to the expiration of the allotted time and the licensee is advised that unless the filing is completed or an extension of time applied for the certificate or relevant portion thereof will be revoked. Public discussion of a proposed policy statement on this matter took place on October 2, 1980 and the Board was advised of the problems experienced by carriers in meeting current requirements and those that would be imposed by the draft policy. The Board will issue a definitive statement of policy on this matter in the new year.

TRANSPORTATION POLICY

P.V. Act Review Committee

The Board has participated in the work of the P.V. Review Committee which was constituted in 1978 to deal with a number of outstanding issues effecting the bus industry. The specific terms of reference of the Committee were:

1. To review and recommend changes in The Public Vehicles Act and its Regulations, and other such matters as may be appropriate with respect to the industry by The Public Vehicles Act and its Regulations.

2. To act as a fact finding and concensus finding advisory body (as opposed to a Committee for the resolution of differences in opinion by vote).

3. To be open to, and to seek representation from all interested parties.

4. To adopt as its first priority a review and concensus resolution of policies respecting charter trip authority and licencing.

Foremost among the issues reviewed by the Committee was that with respect to charter trip authority. This issue was raised as a result of the decision of the Ontario Supreme Court in the decision of Penetang Midland Coach Lines Limited (June 6, 1977). A new charter authority proposal has been prepared by the Committee and is expected to be put into effect sometime in the new year.

As part of its work with the Committee, the Board has developed a new approach to the provision of temporary operating authorities. In particular, a new format has been developed for the authorization of vehicle interchange between licensed carriers at times of emergency or peak loads.

BOARD POLICIES AND PROCEDURES

Policy Statements

From 1978 to December 31, 1980

Continuing its practice of publishing formulated policy, the Board issued policy statements in connection with applications for Class 'R' operating licences, procedures in respect to distribution of notices of decision, and a draft statement with respect to filing of complementary authorities.

The list of formal policy statements issued to date by the Board is, as follows:

No. 001/78-9-29 (cancelled and superseded by policy statement No. 004/79-8-2)	Renewal of licences under The Public Commercial Vehicles Act.
Effective date:	September 29, 1978
No. 002/79-2-1	Adjournment of hearing.
Effective date:	February 1, 1979
No. 003/79-5-14	Admissibility as evidence of photocopies and microfilm prints.
Effective date:	May 14, 1979
No. 004/79-8-2	Renewal of a public commercial or public vehicle operating licence.
Effective date:	
No. 005/79-9-7	Recording of hearing proceedings.
Effective date:	September 7, 1979
No. 006/79-9-7	Transfers and temporaries.
Effective date:	September 7, 1979
No. 007/79-9-7	Cancellation of interim licence on adjournment of hearing.
Effective date:	September 7, 1979

No. 008/79-11-19	Expanded use of Section 8 proceedings.
Effective date: (amended by policy statement No. 008/79-11-19)	Immediate
No. 009/80-1-14	Hearing procedures for applications for Class 'R' operating licence.
Effective date:	Immediate
No. 010/80-9-4	Complementary authorities.
Effective date:	Draft for discussion purposes – no implementation date.
No. 011/80-9-30	Distribution of notices of decision.
Effective date:	Immediate
No. 012/81-1-1	Amendment to policy statement No. 008/79-11-19 Expanded use of Section 8 proceedings.
Effective date:	January 1, 1981

Policy statements published by the Board to December 31, 1980 are appended to this report. (Appendices B-1 - B-10.)

REVIEW OF BOARD POLICY AND PROCEDURE

The review of Board Policy and Procedure undertaken by the Board in response to the recommendations of the Select Committee on the Highway Transportation of Goods and the Standing Committee on Resources Development has been completed and the objectives of the review have been accomplished. The Board is continuing with a process of operational and management reform.

The progress of the review of Board policy and procedure has been summarized under the following headings:

- Communication with the public, policy development.
- Administration
- Procedures

1. Communication with the public, policy development

Recommendation	Action Taken
- publish paper on wording of applications	- draft paper being edited. Publication expected summer 1981.
- improve index to reasons	- index system in place and being maintained on a regular basis.

- publish reasons for decision	- Arrangements made through the Canadian Conference of Motor Transport Administrators (C.C.M.T.A.) to have decisions published by the Canadian Law Information Council, on a monthly basis, in a publication entitled 'The Regulatory Reporter'.

2. **Administration**

Recommendation	Action Taken
- review transcript acquisition process and improve quality control	- discontinued service of arranging for preparation and sale of transcripts. Transcripts are prepared by the Board for Board purposes. Quality of transcripts improved by staff editing and utilizing word processing equipment. Tapes of hearings prepared and sold to interested parties upon request.

3. **Procedures**

Recommendation	Action Taken
- review fee structure	- revisions to the licence fee structure are the responsibility of the Treasurer of Ontario, acting in conjunction with the Minister of Transportation and Communications.
- establish tape retention schedule	- retention of record of hearings proceedings via tape cassette is efficient and inexpensive. Current policy is to retain for 25 years.
- review policy on distribution of reports to the Minister	- administrative policy in place.
- review Board role in vehicle lease approvals.	- under study.
- prepare proposals for appeals/ rehearings	- under consideration.
- review format of certificates, orders, reports	- present format is being influenced by use of word processing equipment. Study is ongoing.
- review form and procedures for considering special, temporary and interim authorities	- proposals under review.

- revise application forms	- application forms for P.C.V. licences have been updated, revision of P.V. application form is in process.
- refine process for winter sanding and salting applications	- arrangements have been made with MTC for specific procedures to be followed when supporting applications before the Board.
- policy on dormancy in Class 'R' licences	- under study.
- review sections of P.V. and P.C.V. Act dealing with transfers	- proposals under review.
- retention and availability of exhibits	- administrative policy in place.
- P.V. interchange procedures	- policy established.
- revise P.V. licence forms	- under review by MTC.

SUMMARY OF BOARD STATISTICS

1. Board revenues for 1980 = $262,159.

2. Applications for permanent licences processed by the Board = 2,019.

   1423 P.C.V. Applications = 70.3%
   167 P.V. Applications = 8.2%
   429 MVTA Applications = 21.3%

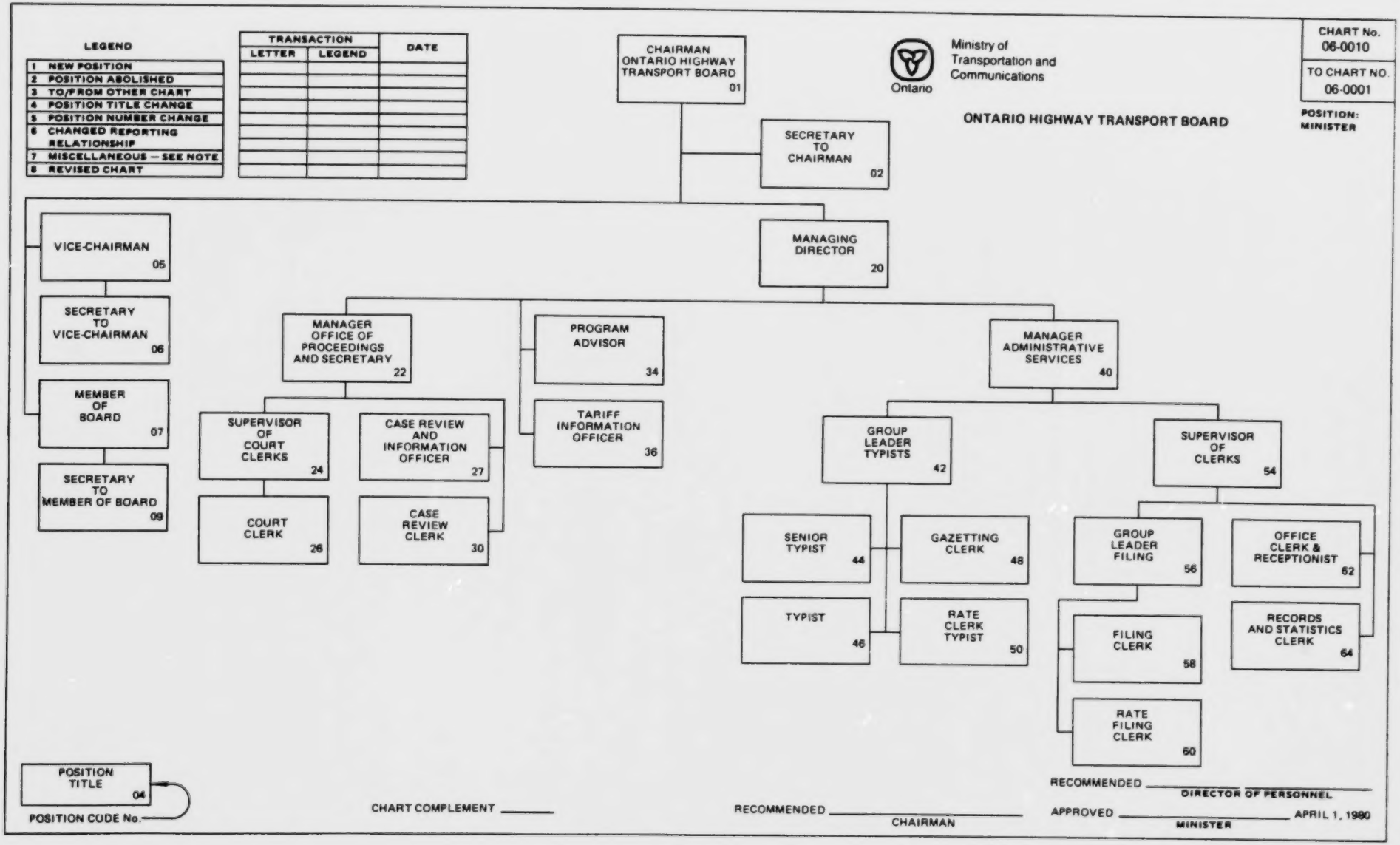
   Decisions after public hearing = 1,570

   Decisions without public hearing = 449

3. Matters heard or dealt with by the Board consisted of:

   - applications for a permanent licence = 2,019
   - application for a temporary or interim licence = 1,020
   - applications for transfer of shares approval = 63
   - applications for transfer of operating licence = 450
   - applications for PV tariff approval = 345
   - reasons for decision issued = 215
   - applications for vehicle lease approval = 448

Detailed statistical analysis of the Board's activities during 1980 are set out in Appendices 'D-1' to 'D-6'.


LEGEND
1 NEW POSITION
2 POSITION ABOLISHED
3 TO/FROM OTHER CHART
4 POSITION TITLE CHANGE
5 POSITION NUMBER CHANGE
6 CHANGED REPORTING RELATIONSHIP
7 MISCELLANEOUS — SEE NOTE
8 REVISED CHART
TRANSACTION
LETTER
LEGEND
DATE
CHAIRMAN ONTARIO HIGHWAY TRANSPORT BOARD 01
Ontario
Ministry of Transportation and Communications
CHART No. 06-0010
TO CHART NO. 06-0001
ONTARIO HIGHWAY TRANSPORT BOARD
POSITION: MINISTER
SECRETARY TO CHAIRMAN 02
VICE-CHAIRMAN 05
SECRETARY TO VICE-CHAIRMAN 06
MEMBER OF BOARD 07
SECRETARY TO MEMBER OF BOARD 09
MANAGING DIRECTOR 20
MANAGER OFFICE OF PROCEEDINGS AND SECRETARY 22
SUPERVISOR OF COURT CLERKS 24
COURT CLERK 26
CASE REVIEW AND INFORMATION OFFICER 27
CASE REVIEW CLERK 30
PROGRAM ADVISOR 34
TARIFF INFORMATION OFFICER 36
MANAGER ADMINISTRATIVE SERVICES 40
GROUP LEADER TYPISTS 42
SENIOR TYPIST 44
TYPIST 46
GAZETTING CLERK 48
RATE CLERK TYPIST 50
SUPERVISOR OF CLERKS 54
GROUP LEADER FILING 56
FILING CLERK 58
RATE FILING CLERK 60
OFFICE CLERK & RECEPTIONIST 62
RECORDS AND STATISTICS CLERK 64
POSITION TITLE 04
POSITION CODE No.
CHART COMPLEMENT
RECOMMENDED
CHAIRMAN
RECOMMENDED
DIRECTOR OF PERSONNEL
APPROVED
MINISTER
APRIL 1, 1980

APPENDIX 'B-1'

POLICY STATEMENT

TITLE: Adjournment of Hearing

NUMBER: 002/79-2-1

EFFECTIVE DATE: February 1st, 1979

OBJECTIVE: To clarify Board procedural requirements. The Board will not consider any requests for adjournment unless filed three clear business days prior to the date of the hearing except in unavoidable circumstances.

Upon the granting of an adjournment the applicant will be required, as in the past, to immediately advise all respondents.

APPENDIX 'B-2'

POLICY STATEMENT

TITLE: Admissibility as Evidence of Photocopies and Microfilm Prints

NUMBER: 003/79-5-14

EFFECTIVE DATE: May 14th, 1979

OBJECTIVE: To formulate policy with respect to evidentiary matters.

The Board recognizes that, insofar as business records are concerned, there is increasing use being made of photocopies and microfilm of such records.

To date, the Board insisted on original documents being filed at hearings for evidentiary purposes but will now accept photocopies and microfilm prints of business records in lieu of the originals.

However, the Board must be satisfied as to their authenticity in accordance with Section 15(4) of **The Statutory Powers Procedure Act** of Ontario and will continue to require that parties prove to its satisfaction that copies are, in fact, true copies of the originals.

APPENDIX 'B-3'

POLICY STATEMENT

TITLE: Renewal of a Public Commercial, or Public Vehicle Operating Licence

NUMBER: 004/79-8-2

EFFECTIVE DATE: Immediate

OBJECTIVE: To clarify procedures with respect to renewals of operating licences that have expired as a result of a failure to renew vehicle licences.

COMMENT: **The Public Commercial Vehicles Act**, Ontario, Section 9, subsections 1 and 2 provides:

"(1) An operating licence expires on the 1st day of July in each year or on the expiry of the vehicle licences for the vehicles operating pursuant to the operating licence unless before such date or such expiry, as the case may be, the holder of the operating licence has applied for and acquired vehicle licences for such vehicles for the period immediately following such date or such expiry, as the case may be.

(2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence is deemed to be renewed for the period which the vehicle licences are issued. 1971, c. 50, s. 71 (5) part."

The Public Vehicles Act, Ontario, Section 6 subsections 1 and 2 contain similar provisions.

A person holding an operating licence which has expired pursuant to those provisions may apply for a new licence, subject to the determination of public necessity and convenience by the Board, by making application(s) for an operating licence in the same or similar terms as those in the former licence.

STATEMENT: 1. Where a person who has failed to renew his operating licence,

- applies for interim and permanent authorities on or before the 30th day of September, and

- supports the application for renewal by an affidavit stating:

  (a) that the licence was valid and operated on a continuous basis during the previous vehicle licensing year, and

  (b) the reason for the failure to purchase the necessary vehicle licences as required,

the Board may issue an interim authority in the same or similar terms as the previous operating licence, and publish the application under Section 8 of Regulation 632 pursuant to **The Ontario Highway Transport Board Act** of Ontario.

If the application is opposed, the matter will be set down for a public hearing. The applicant would be expected to attend and to support his application with public witnesses.

2. Where a person has failed to renew his operating licence:

   - applies for interim and permanent authorities after September 30th but before January 1st, and

   - supports the applications by filing the affidavits outlined in 1. above and an affidavit from a shipper or shippers to the effect that the applicant has provided service on a continuous basis in accordance with the terms of his operating licence during the previous licensing year,

   the Board may issue an interim authority in the same or similar terms as the operating licence, and will set the permanent application down for a public hearing. The applicant will be expected to attend the hearing and support his application with public witnesses if the application is opposed.

3. Where a person fails to renew his operating licence:

   - applies for renewal in any form on or after January 1st, the application(s) will be treated in the same manner as a new applicant and the Board will set the matter down for a public hearing.

APPENDIX 'B-4'

POLICY STATEMENT

TITLE: Recording of Hearing Proceedings

NUMBER: 005/79-9-7

EFFECTIVE DATE: September 7th, 1979

OBJECTIVE: To outline existing Board policy with respect to recordings and transcripts.

(i) For some time, only hearings taking place in Toronto have been recorded. The Board has recently adopted the policy of recording all proceedings.

(ii) Original tape recordings have been available for listening at the Board's offices. This practice will be discontinued in future but duplicates of tapes recorded during any proceeding will be available to the public at a cost of $10.00 per tape. This fee is designed to recover the Board's cost of preparing a duplicate.

(iii) Typed transcripts from the tape records of all proceedings are also available to any person upon request and payment of $1.75 per page.

Any person interested in obtaining transcripts or duplicate tapes are asked to request same from Mr. D.S. Church, Secretary of the Board.

The Board feels that these services are in the interest of the public generally and will benefit the administration of transportation regulation.

Any comments in writing on these procedures will be welcomed as the Board intends to review them to ensure they are consistent with the needs of the public.

Note: The Board has discontinued its practice of arranging for the preparation and sale of transcripts, but continues the practice of selling tapes.

APPENDIX 'B-5'

POLICY STATEMENT

TITLE: Transfers and Temporaries

NUMBER: 006/79-9-7

EFFECTIVE DATE: September 7th, 1979

OBJECTIVE: To clarify Board procedures. In the matter of applications for approval of transfers of operating licences, including transfers deemed to occur upon the issue or transfer of shares in a corporation which is the holder of an operating licence, the Board will not issue except in unusual circumstances a temporary authority to a transferee to permit the operation of the business prior to the approval of the transfer.

APPENDIX 'B-6'

POLICY STATEMENT

TITLE: Cancellation of Interim Licence on Adjournment of Hearing

NUMBER: 007/79-9-7

EFFECTIVE DATE: September 7th, 1979

OBJECTIVE: To clarify Board policy and procedure. In the case of an unopposed application, the first adjournment of the hearing granted at the request of the Applicant will not result in the cancellation of an existing interim operating licence. However, an interim operating licence will be cancelled in most cases upon the granting of a subsequent adjournment of the hearing at the request of the Applicant.

In the case of an opposed application, a request by an Applicant for adjournment of the hearing and a continuation of the interim operating licence throughout the period of the adjournment must be made in writing and upon notice to all other parties. Such a request will be heard on a date to be determined by the Board and the cancellation of the interim operating licence will be considered at that time.

APPENDIX 'B-7'

POLICY STATEMENT

TITLE: Expanded use of Section 8 Proceedings

NUMBER: 008/79-11-19

EFFECTIVE DATE: Immediate (amended by Policy Statement 012/81-1-1)

OBJECTIVE: To reduce the number of hearings required in unopposed applications and to improve the scheduling process.

COMMENT: The Board advertised a proposal in the Ontario Gazette June 2, 1979 outlining its thinking on expanding the use of Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act**. A public meeting was held June 4, 1979 to receive public comment on the proposal. Written submissions were requested by July 31, 1979. This policy statement is the result of this process.

"Section 8" provides that if a notice is placed in the Ontario Gazette and no opposition to that application is received within fifteen (15) days of the date it is published, the Board may dispose of the matter summarily.

The Board has for many years advertised particular types of applications under Section 8, and disposed of these in Chambers.

The procedure has generally been utilized in situations where it appeared to the Board that a need was apparent and the application would not generate opposition and where there was no apparent reason such as fitness of the applicant, to hold a public hearing. Examples of matters which are normally disposed of under Section 8 are:

- P.V. (School Bus) applications.
- Some applications for reinstatement of operating licences up to September 30th, in the year of expiry.
- In transit moves.
- Class "E", change of producers for and on behalf of the Milk Marketing Board.
- Transfers of shares or operating licences involving less than one million dollars.
- Other miscellaneous matters of a normally "routine" nature.

STATEMENT: The Board will advertise all applications except for Class "R" P.C.V. operating authority under Section 8, but will extend the principle of dealing with matters in Chambers only to Class "D" applications at this time. (The Board will continue to deal with school bus applications, transfers, reinstatements, etc. in Chambers as outlined above.)

The following will apply to applications to be advertised on or after December 1st:

- Applicants may be requested to clarify the terms of their applications before publication.

- Applicants may also be required to file documentation with respect to the proposed application (e.g.'s, agreement of purchase and sale, school contracts, etc.).

- When the application is in acceptable form for publication and required documentation is filed, it will be advertised under Section 8 thereby giving public notice without setting a time and place for the hearing.

- To assist the Board in scheduling, applicants will be requested to inform the Board on the following:

  - length of time required to present applicant's case,

  - number of witnesses expected to be called,

  - suggested dates for the hearing.

This will be done in the case of an application requiring a public hearing, at the time of advertisement; and in the case of an application which might under this policy be disposed of in Chambers, upon receipt of opposition.

Matters Requiring a Hearing

A hearing will be scheduled upon notice to the parties without further advertisement. The regular scheduling meetings held each Thursday at 4:00 p.m. in Hearing Room No. 1 will continue.

Matters That May be Resolved in Chambers

To proceed with any matter in Chambers, the Board will require evidence in support of the application such as sworn affidavits from shippers attesting to the need and convenience of the service, an outline of why, in the applicant's view the service is necessary and convenient and/or general statement of intent by the applicant.

The following procedure will apply:

- In Class "D" applications the applicant may file such supporting evidence at the time of making the application or at the expiry of the 29 day period. If the latter course is taken, applicants are encouraged to prepare this material during the advertising period, to expedite final disposition.

  For other matters disposed of in Chambers, such evidence is normally required by the Board prior to advertisement.

- If within a time specified such evidence is not forthcoming or the evidence presented is not sufficient, the Board will set the matter down for a public hearing, upon notice to the applicant.

- If there is no opposition and satisfactory evidence is filed, the Board would grant the application summarily and advise the applicant as a matter of course.

The Board intends to extend its use of in-Chambers decisions to other types of applications as experience is gained on the basis of this initial step.

The Board may utilize its power to assess costs to discourage frivolcus applications or opposition.

It should be noted that Section 8 notice does not guarantee disposition without a hearing or a grant of the authority applied for.

APPENDIX 'B-8'

POLICY STATEMENT

TITLE: Hearing Procedures for Applications for Class "R" Operating Licence

NUMBER: 009/80-1-14

EFFECTIVE DATE: Immediate

OBJECTIVE: To establish hearing procedures which improve the type and quality of evidence and offer the fairest possible opportunity to applicants, witnesses and respondents to present their views regarding Class "R" markets and operations.

BACKGROUND: This statement stems from a report of the Board dated July 20, 1979 which followed a series of special hearings on many aspects of Class "R" policy and procedure.

Carriers find it virtually impossible to oppose Class "R" applications during their busy season, even though their evidence may be very relevant to each and every application. Board figures for 1978 indicate that only 83 of 957 Class "R" hearings (9%) were opposed. On the other hand, shippers find it burdensome to appear time after time supporting individual applicants. In addition, needs vary from year to year with shifts in construction programs.

The Board believes that supply and demand in the dump vehicle industry should be researched, debated and quantified as much as possible by all those with a direct interest in the industry. Given the cooperation of shippers, applicants, respondents, and interested groups or associations, it is felt that the hearing process outlined herein will overcome the problems noted above, allow improved debate of these issues thereby rationalizing the application of Class "R" regulatory law and facilitating the making of decisions which are as objective and informed as possible.

STATEMENT: **Application for Permanent Authority**

In future the Board intends to deal with Class "R" applications for permanent authority in the following manner:

1. Special hearings will be held at least once each year,

   a) in southern Ontario in February: in Toronto, Kitchener, London, St. Catharines, Windsor, Peterborough, Kingston and Ottawa; and

   b) in Northern Ontario in March: in Sault Ste. Marie, Sudbury, Timmins, Kapuskasing, Thunder Bay, Dryden and Fort Frances; and

   c) other centres where there is significant market activity and interest in new licences and which may be suggested by the public from year to year.

2. a) All applications for new or expanded Class "R" authority received by the Board after October 1st each year and prior to February 1st, will be scheduled for such a hearing.

b) applications received from February 1st through September 30th will continue to be set down for individual hearings as is done at the present time.

3. Applications will continue to be published and objections received in the normal way in accordance with the provisions of Regulations 632 under **The Ontario Highway Transport Board Act**, Ontario.

4. At the commencement of each of the special hearings, at each location noted above, the Board will encourage and hear:

   a) **General evidence** with respect to supply and demand in the area either for or against further licensing in the area. The Board encourages associations, shipper groups or government agencies to present their views and any supporting factual information that can be generated.

   b) **Statistical evidence** from any government or private body that would indicate a change in Class "R" trucking requirements. Prior to these hearings the MTC will have provided to the Board all available forecasts pertinent to Class "R" trucking requirement and may provide a representative at the hearing to review them.

   c) **Specific evidence in support of each individual applicant.** Shippers if they choose may give general evidence with respect to need in the area and may support a number of applicants with one appearance. They would be required to identify the applicant(s) they support and state why the service is needed. Witnesses giving evidence in this form would be subject to cross-examination by any respondent affected.

   d) Specific evidence from respondents as it applies to the application opposed. Each respondent would be required to testify once.

5. Following these annual hearings the Board will, on the basis of the evidence presented, issue a concise report outlining its perception of trends in demand for the upcoming construction season. This report will be made public and available to any person interested in Class "R" authorities.

6. Each application will continue to be determined on its own merits considering public necessity and convenience as established by the evidence.

Applications for Non-permanent Operating Authority (Temporary or Interim)

Notwithstanding the potential benefits of this process, shortages in specific areas of the Province will occur that cannot be predicted on an annual basis and which will require issuance of temporary or interim authority to provide a timely response. If shortages appear to be recurring, the Board will consider establishing a special hearing, similar in nature to the annual hearings outlined above, so that several applications for temporary or interim authority can be heard at once and the true nature and extent of the shortage determined. All other factors being equal, preference would be given to applicants who have filed applications for permanent authority.

APPENDIX 'B-9'

POLICY STATEMENT

TITLE: Amendment to Policy Statement No. 008/79-11-19

NUMBER: 012/81-1-1

EFFECTIVE DATE: January 1st, 1981

OBJECTIVE: To improve the Board's scheduling process and to reduce the number of public hearings.

This is an amendment to and should be read in conjunction with the Policy Statement issued on November 19, 1979 with respect to Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act**. The said Section 8 reads as follows:

"8. - (1) The Board may, in its discretion, publish notice of an application or reference in The Ontario Gazette without fixing a day for a hearing.

(2) If no objection is served and filed in the manner prescribed by Section 5 within twenty-nine days of the publication, the Board **may** dispose of the application or reference summarily.

(3) If an objection is served and filed within twenty-nine days of the publication, the Board shall fix a date for the hearing with notice to all parties, and the procedure is thenceforth the same as for a proceeding to which this section does not apply."

To improve the Board's scheduling process and to reduce the number of public hearings.

Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act** provides, among other things, that the Board may dispose of an application without a public hearing where notice of the application has been published in The Ontario Gazette without fixing a date for hearing and no objection to the application is served and filed within 29 days of the publication.

The current policy of the Board is to publish notice pursuant to Section 8 for all applications, with the exception of Class "R" and "W" applications. When no objection is filed, the following may be disposed of without a public hearing provided that they are supported by appropriate documentation:

(a) Public Vehicle school bus;

(b) applications for reinstatement of operating licences received on or before September 30th in the year of expiry and where accompanied by an interim application supported with the appropriate affidavits;

(c) applications for corridor authority through the Province of Ontario when accompanied by permanent complementary authorities from the jurisdictions of origin and destination;

(d) Class "E" applications involving a change of milk producers for and on behalf of the Milk Marketing Board or cream products for and on behalf of the Ontario Cream Marketing Board;

(e) applications for transfer of shares or operating licences in most situations where the consideration for the sale is less than one (1) million dollars and there exists no other reason for the Board to review the transfer at a hearing;

(f) Class "D" applications;

(g) other miscellaneous matters of a normally routine nature.

In the Ontario Gazette of May 3, 1980 the Board advertised a special meeting to review the use of Section 8 advertising of applications. The meeting was held on June 6, 1980, and the following policy statement has taken into consideration the oral and written submissions put forward at that meeting.

Policy

The Board will continue to publish notice pursuant to Section 8 for all but Class "R" and "W" applications.

The Board will extend its practice of disposing of unopposed applications without a public hearing to include Class "E", "F", "FS" and "T" applications and extra-provincial applications for named shippers or named commodities.

The following procedure will apply to applications published pursuant to Section 8: (a) an applicant may be requested to clarify the terms of the application before publication in The Ontario Gazette;

(b) an applicant may be required to file documentation with respect to the application (e.g. agreement of purchase and sale, school board contract, complementary authority, etc.) before publication in The Ontario Gazette;

(c) when the application is in an acceptable form for publication and appropriate documentation has been filed, it will be published pursuant to Section 8;

(d) to assist the Board in scheduling a hearing when necessary, an applicant will be requested to advise the Board of the following matters on a card provided at the time of publication:

(i) length of time required to present applicant's case;

(ii) number of witnesses expected to be called;

(iii) dates upon which an applicant or his counsel is unable to attend a hearing.

(e) where an application is opposed within 29 days of publication, a hearing will be scheduled on notice to the parties without further advertisement. Scheduling can be spoken to at the scheduling meeting held each Thursday in Hearing Room No.1 at the Board offices, 151 Bloor Street West, 10th Floor, Toronto or by writing to the Secretary of the Board at the same address;

(f) where an application is not opposed within 29 days of the publication and is in the category of applications eligible to be disposed of without a public hearing, a request will be mailed

to the applicant or his solicitor for affidavits in support of the application to be received on or before a certain date. If appropriate documentation is not received within the specified time, the matter will be set down for a public hearing on notice to the applicant.

Applicants anticipating no opposition to their applications are encouraged to prepare affidavits in support during the 29 day advertising period to enable prompt filing of this material with the Board and an expeditious final disposition.

In addition to those unopposed applications in categories eligible to be disposed of without a public hearing, the Board will consider disposing of any other unopposed application under **The Public Vehicles Act, The Public Commercial Vehicles Act** or **The Motor Vehicle Transport Act** (Canada) without a public hearing where it is satisfied that a hearing is unnecessary to establish public necessity and convenience.

It should be noted that publication of an application pursuant to Section 8 does not guarantee disposition without a public hearing or a grant of the application.

APPENDIX 'B-10'

POLICY STATEMENT

TITLE: Distribution of Notices of Decision

NUMBER: 011/80-9-30

EFFECTIVE DATE: Immediate

OBJECTIVE: To set out the Board's procedure and policy with respect to the dissemination of hearing results and notices of decision.

It is current Board policy to send, by first class mail to all parties to the proceedings at the most recent address on file with the Board, any decision of the Board after a hearing involving those parties and any reasons for that decision that may be provided.

Where a party is represented by counsel of record in any proceeding, the Board will send the notice of decision and reasons therefor to the solicitor. The applicant will always be sent a copy directly, in addition to any copy sent to his solicitor.

On the request of one of the parties, their copy of the decision and reasons therefor may be picked up at the Board offices by a representative of either the party or his solicitor.

Provided at a fee to cover the Board's costs are the following:

- Copies of all decisions with respect to for-hire trucking – to the Ontario Trucking Association.
- Copies of all decisions with respect to buses – to the Ontario Motor Coach Association.
- Copies of all decisions with respect to School buses – to the Ontario School Bus Operators' Association.

The Board places copies of all telegram authorities issued on its bulletin board on the day of issue. They remain on the board until the expiration of the authority.

The current practice of the Board as enunciated above will continue in all respects.

It is felt that these procedures meet the requirements of The Statutory Powers Procedures Act and that they provide fair notice to the public.

APPENDIX 'C-1'

O.I.C. POLICY STATEMENT
P.C.V.A. (GENERAL)

OC #: 2105/79
Certification Date: 18th, July, 1979
Gazette Date: 11th, August, 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications recommends that the Ontario Highway Transport Board, in determining questions of public necessity and convenience, take into consideration the need for an efficient and viable transportation industry which, given the characteristics of the suppliers and the nature of the market to be served, will:

1. support Ontario's general economic productivity;

2. use capital, equipment and manpower resources efficiently;

3. promote the efficient use of energy and minimize empty movements;

4. be responsive to existing market demand and changes thereto in terms both of the level and type of service;

5. offer service at the lowest cost in the long run;

6. be characterized by effective competition both within the trucking industry and between the trucking industry and other modes;

7. be innovative in service levels, equipment design and utilization, administration and freight-handling procedures;

8. take advantage, where possible, of intra-modal and inter-modal co-ordination; and

9. be provided by an appropriate mixture of small, medium and large operators.

APPENDIX 'C-2'

O.I.C. POLICY STATEMENT P.C.V.A. (CARTAGE)

O.C. #: 2104/79
Certification Date: 18th, July, 1979
Gazette Date: 11th, August, 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to determining whether to recommend the designation of a commercial cartage zone:

1. the extent to which a single local community of economic interest exists throughout the area under consideration for inclusion in the commercial cartage zone;

2. the extent of economic interaction among the businesses and industries located within the commercial cartage zone under consideration;

3. the patterns of existing and predicted demand for local and line-haul trucking services;

4. the present availability of both local and line-haul trucking services to shippers; and

5. the impact of the creation of a commercial cartage zone upon existing local and line-haul carriers.

APPENDIX 'C-3'

O.I.C. POLICY STATEMENT – P.C.V.A.
(CLASS W)

O.C. #: 114/80
Certification Date: 23rd, January, 1980
Gazette Date: 16th, February, 1980

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that, in addition to the considerations set out in Order-in-Council numbered OC-2105/79, the following matters be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to applications for Class 'W' public commercial vehicle operating licences for the transportation of logs, timber, rough or dressed lumber, laminated lumber, laminated wood blocks, wooden ties and poles, plywood, particle board, waferboard, fibrewood, veneer, bark, woodchips, shavings, sawdust and wood flour.

1. The needs of shippers supporting the application and the ability of the applicant to provide a safe and efficient transportation service shall be given primary consideration..

2. Evidence of a licensed carrier opposing an application shall be given weight relative to the extent to which such carrier currently transports Class 'W' commodities from the region in respect of which the application is made and the extent to which his transportation service to the public would be adversely affected by the granting of the licence to the applicant.

3. Where the applicant is a licensed carrier, evidence that a Class 'W' licence would result in better utilization of the applicant's equipment moving from the regions for which the application is made shall be considered.

4. Evidence of public necessity and convenience in respect of one or more commodities shall be considered as support for the granting of the total list of commodities for which a Class 'W' licence may be issued.

APPENDIX 'C-4'

O.I.C. POLICY STATEMENT P.V.A. (GENERAL)

O.C. #: 3005/78
Certification Date: 18th, October, 1978
Gazette Date: 11th, November, 1978

(Pursuant to **The Public Vehicles Act**, R.S.O. 1970, c.392 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience:

1. The availability of an efficient inter-urban bus passenger and associated express freight service, reflecting public demand and the integration of such service with all other passenger transportation systems in Ontario;

2. The need for competition to ensure the best service at the lowest cost to the public, while having regard to the economic impact on the licensed carriers;

3. The ability and willingness of the applicant to provide service for which there is public demand, combining, as appropriate to the market to be served, marginal or sub-marginal and profitable services;

4. The suitability of the applicant's proposed scale and style of operations in the market to be served.

APPENDIX 'C-5'

O.I.C. POLICY STATEMENT P.V.A.
(AIRPORT)

O.C. #: 976/79
Certification Date: 4th, April, 1979
Gazette Date: 5th, May, 1979

(Pursuant to **The Public Vehicles Act**, R.S.O. 1970, c.392 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to ground transportation services involving Toronto International Airport:

1. Convenient, low cost inter-urban ground transportation services to and from communities served by Toronto International Airport.

2. Compatibility of services licensed under The Public Vehicles Act with the requirements for ground transportation services at the Airport as expressed by the Airport administration, taking into account motor vehicles serving the Airport under the authority of permits issued by the Airport Manager.

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE
FOR THE PERIOD JANUARY 1ST, 1980 TO DECEMBER 31ST, 1980

Application Fees	$132,610.00
Court Costs	49,905.00
Transcripts	1,671.00
Tariffs (Including copies)	67,817.00
Credits & U.S. Exchange	844.00
Miscellaneous	20,826.00
Gross Revenue	$273,673.00
Refunds & N.S.F. Cheques	- $11,514.00
Net Revenue	$262,159.00

APPENDIX 'D-2'
THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED
FOR THE PERIOD JANUARY 1, 1980 TO DECEMBER 31, 1980

CLASS	TOTAL	GRANTED	DENIED
The Public Commercial Vehicle Act:			
A	51	42	9
C	27	24	3
D	368	314	54
E	19	18	1
F	27	19	8
FF	1	1	0
FS	17	12	5
H	17	13	4
K	18	14	4
L	7	7	0
R	702	526	176
T	47	43	4
W	122	48	74
SUB TOTAL	1,423	1,081	342
The Public Vehicle Act:			
PV	81	67	14
PV (SB)	86	86	0
SUB TOTAL	1,590	1,234	356
The Motor Vehicle Transport Act:			
Goods	396	344	52
Freight Forwarders	3	3	0
Passengers	30	26	4
TOTAL	2,019	1,607	412

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	TOTAL
Public Vehicle Tariffs	45	24	18	40	32	21	34	16	33	13	34	35	345
Leases	24	43	29	33	45	26	57	23	28	46	43	51	448
Reasons for Decision	23	15	18	23	22	16	33	13	14	8	10	20	215
Applications Withdrawn	38	48	42	40	52	58	80	60	60	94	63	49	684

APPENDIX 'D-3'
THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS – AFTER PUBLIC HEARING . . . FOR THE YEAR 1980

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS							TRANSFERS	
	APPLICATIONS	Denied	Granted	APPLICATIONS	Denied	Granted	# of Cases Opposed	% Opposed	# of Respondents	Average # Respondents	Shares	Licenses
A	–	–	–	44	9	35	32	73%	232	7.25	–	2
C	1	–	1	20	3	17	8	40%	77	9.63	–	–
D	1	–	1	213	47	166	135	63%	382	2.83	–	3
E	–	–	–	2	–	2	2	100%	5	2.50	–	–
F	–	–	–	18	7	11	4	22%	10	2.50	1	1
FF	–	–	–	1	–	1	1	100%	9	9.00	–	–
FS	–	–	–	12	4	8	5	42%	9	1.80	–	–
H	–	–	–	14	4	10	8	57%	27	3.38	–	–
K	–	–	–	18	4	14	12	67%	31	2.58	–	–
L	–	–	–	–	–	–	–	–	–	–	–	–
R	–	–	–	639	167	472	21	3%	32	1.52	–	3
T	–	–	–	43	4	39	19	44%	51	2.68	–	–
W	–	–	–	121	74	47	119	98%	134	1.13	–	–
SUB TOTAL	2	–	2	1,145	323	822	366	32%	999	2.73	1	9
PV	–	–	–	62	13	49	29	47%	79	2.72	3	5
PVS	–	–	–	6	–	6	2	33%	5	2.50	–	–
SUB TOTAL	2	–	2	1,213	336	877	397	33%	1,083	2.73	4	14
PCVX	2	–	2	333	48	285	147	44%	565	3.84	9	3
FFX	–	–	–	3	–	3	3	100%	28	9.33	–	–
PVX	–	–	–	21	4	17	9	43%	29	3.22	–	2
TOTAL	4	–	4	1,570	388	1,182	556	35%	1.705	3.07	13	19

COMMENTS:

APPENDIX 'D-4'

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS – WITHOUT PUBLIC HEARING . . . FOR THE YEAR 1980

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS		
	APPLICATIONS	Denied	Granted	APPLICATIONS	Denied	Granted	APPLICATIONS	Shares	Licences
A	83	7	76	7	-	7	22	9	13
C	24	3	21	7	-	7	11	-	11
D	189	105	84	155	7	148	51	4	47
E	5	-	5	17	1	16	8	-	8
F	13	6	7	9	1	8	20	1	19
FF	-	-	-	-	-	-	-	-	-
FS	12	6	6	5	1	4	11	-	11
H	4	1	3	3	-	3	7	-	7
K	12	6	6	-	-	-	4	-	4
L	-	-	-	7	-	7	-	-	-
R	301	135	166	63	9	54	199	1	198
T	32	11	21	4	-	4	5	1	4
W	17	17	-	1	-	1	-	-	-
SUB TOTAL	692	297	395	278	19	259	338	16	322
PV	58	10	48	19	1	18	27	5	22
PVS	44	9	35	80	-	80	53	1	52
SUB TOTAL	794	316	478	377	20	357	418	22	396
PCVX	213	76	137	63	4	59	54	27	27
FFX	-	-	-	-	-	-	-	-	-
PVX	9	2	7	9	-	9	9	1	8
TOTAL	1,016	394	622	449	24	425	481	50	431

COMMENTS:

APPENDIX 'D-5-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
HELD DURING THE PERIOD JANUARY 1, 1980 to DECEMBER 31, 1980

		APPLICATIONS HEARD							
MONTH	LOCATION	APPLICATIONS	"R" LICENCE	"W" LICENCE	OTHERS	ADJOURNED	GRANTED	DENIED	WITHDRAWN
JANUARY	Sudbury	2	–	–	2	–	2	–	–
	Cambridge	1	–	–	1	–	–	1	–
	Collingwood	1	–	–	1	–	1	–	–
FEBRUARY	Kitchener	12	10	–	2	–	6	6	–
	London	22	22	–	–	1	15	5	1
	Windsor	13	13	–	–	–	11	1	1
	Cambridge	1	–	–	1	–	–	1	–
	Peterborough	15	15	–	–	1	13	1	–
	Kingston	6	6	–	–	–	5	–	1
	Ottawa	27	27	–	–	–	18	8	1
	North Bay	1	–	–	1	–	1	–	–
MARCH	Kitchener	2	–	–	2	–	–	–	2
	Sudbury	12	12	–	–	–	8	4	–
	Sault Ste. Marie	4	3	–	1	–	4	–	–
	Cambridge	1	–	–	1	–	–	1	–
	Sarnia	1	–	–	1	–	1	–	–
	Timmins	6	6	–	–	–	4	2	–
	Kapuskasing	4	4	–	–	–	3	1	–
	Thunder Bay	19	14	–	4	2	11	3	2
	Fort Frances	3	3	–	–	–	3	–	–
	Dryden	7	7	–	–	–	5	2	–
	St. Catharines	18	18	–	–	–	14	3	1
APRIL	Timmins	2	1	–	1	1	1	–	–
	Sudbury	14	6	–	8	–	9	4	1
	Manitoba	1	–	–	1	–	1	–	–

APPENDIX 'D-5-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
HELD DURING THE PERIOD JANUARY 1, 1980 to DECEMBER 31, 1980

		APPLICATIONS HEARD							
MONTH	LOCATION	APPLICATIONS	"R" LICENCE	"W" LICENCE	OTHERS	ADJOURNED	GRANTED	DENIED	WITHDRAWN
APRIL - cont'd	Thunder Bay	7	4	–	3	–	5	2	–
	Dryden (joint)	1	–	–	1	–	1	–	–
	Dryden	2	2	–	–	–	1	1	–
MAY	Ottawa	43	14	–	29	2	25	10	6
	Sault Ste. Marie	6	3	2	1	1	4	1	–
	Thunder Bay	12	–	12	–	1	1	9	1
	Cobourg	1	–	–	1	1	–	–	–
	Kenora	2	–	2	–	–	2	–	–
	Lindsay	1	–	–	1	–	1	–	–
	North Bay	26	–	26	–	4	3	17	2
	Cornwall	1	–	–	1	–	1	–	–
JUNE	Kitchener	12	5	–	7	3	5	3	1
	Pembroke	24	–	20	4	5	9	6	4
	Sudbury	57	–	55	2	13	20	15	9
	London	30	21	–	9	–	19	8	3
	Timmins	19	–	19	–	2	6	10	1
	Kapuskasing	17	–	17	–	–	7	7	3
JULY	Barrie	1	–	–	1	–	1	–	–
	St. Catharines	4	–	–	4	–	4	–	–
	Windsor	22	15	–	7	–	14	3	5
AUGUST	Thunder Bay	13	9	3	1	–	9	3	1
	Dryden	6	4	–	2	–	5	1	–
	Fort Frances	7	5	1	1	1	6	–	–

APPENDIX 'D-5-3'

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
HELD DURING THE PERIOD JANUARY 1, 1980 to DECEMBER 31, 1980

		APPLICATIONS HEARD							
MONTH	LOCATION	APPLICATIONS	"R" LICENCE	"W" LICENCE	OTHERS	ADJOURNED	GRANTED	DENIED	WITHDRAWN
SEPTEMBER	Kitchener	1	–	–	1	–	–	–	1
	Manitoba (joint)	1	–	–	1	1	–	–	–
	Ottawa	45	19	–	26	4	20	15	6
OCTOBER	Kitchener	18	6	–	12	2	11	2	3
	Timmins	9	4	–	5	1	5	3	–
	Kapuskasing	14	10	–	4	2	8	3	1
	London	18	18	–	10	9	13	4	2
	Montreal	2	–	–	2	–	1	–	1
	Sudbury	39	30	–	9	4	27	5	3
NOVEMBER	Sault Ste. Marie	11	10	–	1	–	9	2	–
	Elliot Lake	1	–	–	1	1	–	–	–
	Ottawa	24	17	–	7	5	11	4	4
	Thunder Bay	28	22	–	6	5	17	3	3
	Dryden	8	6	–	2	1	7	–	–
	Fort Frances	6	6	–	–	1	4	1	–
	Belleville	1	–	–	1	1	–	–	–
	Windsor	9	6	–	3	5	2	2	–
DECEMBER	Oakville	1	–	–	1	1	–	–	–
	Chatham	1	–	–	1	–	1	–	–
	Manitoba (joint)	1	–	–	1	1	–	–	–
	Windsor	1	–	–	1	1	–	–	–
TOTAL		757	403	157	197	83	421	183	70

APPENDIX 'D-6'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED
JANUARY 1ST, 1980 TO DECEMBER 31ST, 1980

Public Commercial Vehicle Act

Class	
A	181
C	71
D	764
E	41
F	79
FF	1
FS	41
H	48
K	51
L	4
R	1246
T	89
W	281
	2897

Public Vehicles Act

PV	211
PVS	198
	409

Motor Vehicle Transport Act (Canada)	943
Total No. of Applications	4249
Total No. of Leases	453
Public Vehicle Tariffs referred	300

10th Floor
151 Bloor Street West
Toronto, Ontario
M5S 2T5
416/965-1845

APPENDIX 'E'

REPORT ON CLASS "R" HEARINGS – 1980

In accordance with the policy statement of the Board (copy attached) Class "R" hearings were conducted throughout the Province during February, March and April.

The Board dealt with 236 applications during 23 days of hearings.

The format has been most helpful to the Board and we believe to the public. The most important benefits have been:

1. Allowing witnesses to support a number of applicants with one appearance has shortened the hearing process.

2. The total testimony of a large number of witnesses together with all available statistics and economic forecasts provided the Board with a comprehensive overview of the needs of all areas in the province in time to issue operating authority sufficient to meet the demand.

The Board granted certificates to 166 applicants. The total number of additional vehicles authorized by region is:

141 vehicles in Region 2
136 vehicles in Region 3
58 vehicles in Region 4
72 vehicles in Region 5
41 vehicles in Region 6

We believe the additional vehicles are generally sufficient to meet current demand. Evidence indicates demand will increase during the summer and reach a peak in early autumn, although it is very difficult to quantify demand, particularly in a year when high interest rates may drastically curtail residential and industrial construction.

Considering all the available evidence we believe the following forecast of Class "R" requirements by region will be beneficial to prospective applicants. The Regions are listed in the order of greatest potential need during 1980.

REGION 6 –

A buoyant forest industry and extensive highway construction is placing heavy demands on the Class "R" industry. Additional vehicles will probably be required in this region.

REGION 3 –

Demand for Class "R" vehicles will be influenced by the amount of residential and industrial construction. Extensive industrial construction is planned for the Windsor-Sarnia area but evidence was inconclusive as to the amount that would be done in 1980. There is extensive highway construction in this region and additional vehicles may be required. At this time we believe the demand for "R" vehicles in relation to supply will be much less than in 1979.

REGION 5 –

The overall supply of "R" vehicles is fairly good. Highway construction in the vicinity of North Bay and Huntsville may create local shortages and need for additional vehicles will be governed to some extent by carriers willingness to move from other areas. Some shortages were experienced in the District of Timiskaming in 1979 and additional vehicles may be required.

REGION 2 –

This region has the greatest number of licensed Class "R" vehicles and also the greatest potential for demand. It also has the highest percentage of vehicles authorized but unlicensed. As of January 9, 1980 in excess of 500 vehicles were authorized but not licensed. Shifts in the construction industry are a most important consideration. The available economic forecasts indicate there will probably be little need for additional Class "R" vehicles in Region 2 during 1980.

REGION 4 –

With the exception of some localized demand, for the most part due to highway construction in the Pembroke-Arnprior area, the region is well supplied with Class "R" vehicles. During 1979 a number of Ottawa area operators worked in Region 6. We believe very few additional vehicles will be required during 1980.

The Board does not foresee a need for temporary or emergency authority to any extent during 1980. We are now in a position to deal with permament application to meet anticipated demand.

The Board will carefully monitor the situation and respond to any unforeseen demand.

Applicants are urged to obtain the necessary operating authority **before** purchasing their vehicles.

G.J. Norton,
Vice-Chairman.

Number/
Numéro
2

ANNUAL REPORT

OF

THE ONTARIO HIGHWAY TRANSPORT BOARD

for the year ending December 31, 1981

ANNUAL REPORT

OF

THE ONTARIO HIGHWAY TRANSPORT BOARD

for the year ending December 31, 1981

The Ontario Highway Transport Board, pursuant to Section 28 of the Ontario Highway Transport Board Act, R.S.O. 1970, Chapter 316, begs leave to submit its twenty-sixth Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1981.

Members of the Board:

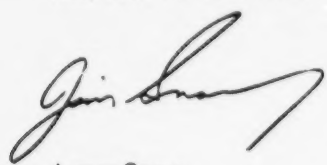
B.B. Alexander, Q.C.	Chairman
G.C. Marrs	Vice-Chairman
G.J. Norton	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
R.D. Sloan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To: The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the Annual Report for the Ontario Highway Transport Board for the calendar year ending December 31, 1981.

Respectfully submitted,



James Snow,
Minister

TO: The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities of The Ontario Highway Transport Board for the calendar year ending on December 31, 1981.

Respectfully submitted,

Bruce B. Alexander, Q.C.
Chairman

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1981 ANNUAL REPORT OF THE BOARD

MANAGEMENT PROCESS

Staffing: Mr. David S. Church, Manager, Office of Proceedings and Secretary, retired on June 30, 1981 after 15 years service. David Church was a tireless and dedicated servant of the Board. His contribution to its smooth functioning was gratefully appreciated by all who dealt with him.

Mrs. Christina I. Davila, was appointed Manager, Office of Proceedings and Secretary on August 17, 1981. Mrs. Davila has had extensive administrative experience in various government agencies. The Office of Proceedings, which was established to provide a point of contact with the public in all matters relating to the application process is now fully staffed and operational.

PUBLIC INFORMATION PROGRAM

The Board has added to its list of public information booklets and publications on the application process.

Publications now available are:

"An Introduction to the Ontario Highway Transport Board"

"How to Apply for a Class 'H' P.C.V. Licence"

"How to Apply for a Class 'R' P.C.V. Licence"

A further pamphlet "The Application Process – Guidelines" is now being published.

Copies of these booklets may be picked up free of charge at the Board Offices, 151 Bloor Street West, Toronto. For additional information contact the Office of Proceedings, telephone (416) 965-1845.

OFFICE ACCOMODATION

The Board has recently completed a major physical change in its accommodation the main feature of which was the establishment of three hearing rooms on the second floor of the building and the centralization of staff and records on the tenth floor. The changes have improved staff efficiency and productivity and created better public access to the Board.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Public Hearings

Class 'R' Hearings (dump vehicles). The Board conducted a series of public hearings, throughout the province in the spring of the year to obtain data and information in connection with the available supply of dump vehicles and the anticipated demand for their services, in the various regions. The hearings were scheduled as follows:

February 23	–	St. Catharines
February 24	–	Kitchener
February 25	–	London
February 26	–	Windsor
March 2	–	Peterborough
March 3	–	Kingston

March 4 & 5	–	Ottawa
March 12	–	Sault Ste. Marie
March 16 & 17	–	Sudbury
March 18	–	Timmins
March 19	–	Kapuskasing
March 23	–	Thunder Bay
March 24	–	Fort Frances
March 25	–	Dryden
March 30 to Apr. 2	–	Toronto

On the basis of evidence presented at the hearings, the Board issued a report which summarized the supply and demand in each of the five licence regions and the action required on the part of the Board to ensure that the supply of vehicles was consistent with the demand. The report concluded that work prospects were good in regions 5 and 6 and that additional vehicles would be required to service the forest and mining industries. In the balance of the province the demand was either below normal or at a level where it could generally be met by the existing supply of licensed vehicles. The 1981 Report on Class 'R' hearings is appended hereto as Appendix 'E'.

Probationary Licence Hearings

The P.C.V. Act was amended on August 31, 1979 to enable certain unlicensed for-hire carriers to apply for a probationary operating licence. Under the amendment, any unlicensed trucker who operated one or more commercial vehicles for compensation between October 1, 1974 and September 30, 1976 was eligible to apply for an operating licence. This licence would authorize the provision of the same services that were provided by the applicant during that period. Applications had to be filed with the Board, not later than 180 days after the 31st day of August, 1979.

This grandfathering process was subject to two qualifications:

1) that the applicant did not hold any PCV operating licence, other than a Class F, FS or R, during the period described; and

2) that they be operating a for-hire transportation business at the time of application.

The legislation further provided that not less than one year after the date of issue, the Board would review the licence and at its discretion issue a new certificate, approving a permanent operating licence.

To date applications have been dealt with as follows:

Total applications	122
– certificates granted	30
– applications denied	15
– applications withdrawn	33
– applications dismissed	10
– applications in process	34

PUBLIC MEETINGS

As in past years the Board used the public meeting process to obtain public input to Board policies and procedures. During 1981 public meetings were held in connection with:

i) Class 'R' operating licence applications – as listed.

ii) Probationary operating licence applications – pre-hearing conference.

iii) General procedural matters were often raised and discussed at the Board's Thursday afternoon meetings which deal primarily with scheduling matters. These meetings are open to all members of the public.

BOARD SEMINARS AND COURSES

Board Seminars involving members and senior staff were held at The Guild Inn, Scarborough on June 11 and 12 and at Kempenfeldt Bay, Barrie on November 12 and 13.

Papers were presented on a variety of matters and officials from the Ministry of Transportation and Communications and the Ministry of the Attorney General were invited to speak on matters of transportation policy and administrative law.

Board members and selected staff attended a 1-day refresher course on "Financial Statement Analysis" held in Toronto, on April 3. The course was provided by The George Brown College of Applied Arts and Technology and was designed to meet the Board's specific interest in the financial statement of transportation companies.

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

Members of the Board continue to participate in the working groups of the Canadian Conference of Motor Transport Administrators. One such group has been dealing with proposed amendments to the Motor Vehicle Transport Act (Canada). It is now expected that the amendments, including those relative to the joint hearing process, out of jurisdiction service of summonses and the regulations making process, all of which will facilitate the extra-provincial hearing process, will be in place for presentation to Parliament during the latter part of 1982. Work is also ongoing with respect to establishing common board procedures applicable, within certain discretionary limits, to each provincial jurisdiction. These procedures together with discussions as to uniformity in matters such as leasing, have the same common goal which is to achieve a degree of uniformity that will expedite the hearing process in all jurisdictions to the ultimate benefit of the public at large.

TRANSPORTATION POLICY

The Public Vehicles Act

Regulations pertaining to charters under The Public Vehicles Act were implemented as a result of recommendations made to the Minister of Transportation and Communications by The Public Vehicles Act Review Committee. These regulations incorporated in O. Reg. 65/81 were published in the Ontario Gazette of February 28, 1981 and became effective on July 1, 1981.

The purpose of O. Reg. 65/81 was to effect the following changes to Regulation 762 under The Public Vehicles Act:

(1) Repeal of the prohibition, in Section 12(2), against the operation of charter trips in such a manner as to constitute a recurring service.

(2) Implementation of a 75% charter trip passenger origination – 25% charter trip passenger top-off rule.

In other words the regulation provided that a licensee could operate a public vehicle on a charter trip from any point designated in its licence where not less than 75% of the persons being transported boarded the vehicle at such point. Until the decision of the Divisional Court of Ontario of June 6, 1977, concerning an appeal of a ruling of the Board by Penetang-Midland Coach Lines Limited it was generally thought that Section 12 (1) (a) of Regulation 762 under

The Public Vehicles Act required the operators of chartered trips made under the authority of that section to pick-up or board all of their charter passengers at points designated in their licences. The Divisional Court reversed this, by interpreting the term "originating" to mean only one charter passenger need board a charter vehicle at a point designated in the carriers licence to satisfy the provisions of the Regulation. The Committee was left to determine how many charter passengers should be required to board charter vehicles at points designated in the operators licence. Smaller operators argued for a low number on the basis that such would facilitate charter group services for groups of small tours for which no single community could often generate enough passengers to fill a bus. Larger carriers argued that what smaller carriers really wanted was to "originate" charters in the major urban markets rather than the small towns; and noted that, should they be successful in doing so, the resulting competition in the major urban charter markets might make it difficult for the larger carriers to finance their marginal and unprofitable scheduled service route structures.

The Committee recommended a 75% licence point origination rate as the basis of a compromise between these view points and with the understanding that the rate could be amended if circumstances changed or if the assertion with respect to reliance of larger carriers as charter services were disproven.

(3) Implementation of a new definition of a "chartered trip" which allows the operation of charters on the basis of direct per seat sales.

(4) Implementation of a new method of protecting charter licence territory, in place of the method now specified in Section 12 (i).

A carrier may now protect his charter points by filing a tariff with the Ministry of Transportation and Communications which will have the effect of making the type of vehicle requested available to the customer without the assessment of any dead-head charges from that point. This is accomplished by having the licensee designate equipment points and service points in its tariff.

(5) Provision to the Ministry of charter trip and charter tariff information in sufficient detail and format to allow for the proper administration and enforcement of the above changes.

In addition to the preceding the Ministry implemented in conjunction with O. Reg. 65/81 other measures, including a policy of approving charter tariff applications without referral of such applications to the Board for hearing. In so doing, the Ministry reserved the right to refer any particular tariff to the Board and the right of reverting, if necessary, to the policy of referring all tariff applications to the Board.

The policy of approving of charter tariffs without a hearing is contingent on three conditions.

i) The charter tariff application was made on the form provided by the Ministry pursuant to O. Reg. 65/81.

ii) The charter tariff applied for would not become effective on any date prior to July 1, 1981.

iii) No public or carrier complaint is received by the Ministry concerning the tariff. Any such complaint will cause the tariff to be referred to the Board.

A policy statement was issued to the Board under Section 26 of The Public Vehicles Act, Order-in-Council 1835/81, dated June 26, 1982, concerning the new definition of "chartered trip" provided in O. Reg. 65/81. A copy of the Order-in-Council is attached hereto as Appendix C-6.

The definition of "chartered trip" in the new regulation is as follows:

(a) "chartered trip" means a trip, not being a scheduled service or a special trip, for which a public vehicle is hired for the transportation of a group of persons and for which the licensee of the public vehicle,

(i) is paid one fare or charge only for the chartering of the bus, or

(ii) is paid a fare by each passenger, which fare includes a charge for accommodation, meals or tickets of admission;

It is intended that any carrier certificated by the Board for the privilege specified in part (a)(i) of the new definition also receive certification for the privilege specified in part (a)(ii), except in the most unusual of circumstances; but that there be no such specification for certifications relating to applications solely for the (a)(ii) privilege.

The new definition of chartered trip obviates the need for separate tour licence applications by carrier holding unrestricted charter authority. Carriers holding charter authority issued under the previous definition of chartered trip would be considered, after July 1, 1981, to be licenced to operate such charters on the sale per seat basis defined in O. Reg. 65/81.

Public Commercial Vehicles Act

Bill 160, which received third reading on December 18, 1981 contained amendments to the P.C.V. Act that were of interest to the Board. Among these were:

Transportation of Milk

Some operating licences currently authorize the transportation of milk from and to specific locations and some authorize the transportation of milk and cream for The Ontario Milk Marketing Board. The transportation of milk is controlled by The Ontario Milk Marketing Board which is the initial purchaser of milk in the Province. In order to avoid conflict between the terms of an operating licence and directions that a transporter of milk may receive from The Ontario Milk Marketing Board the Act provided that the directions of The Ontario Milk Marketing Board would prevail notwithstanding the terms of a licence.

Corridor Movements Through Ontario

Section 7 of the Act provides for the issue of an operating licence where an applicant shows public necessity and convenience. Subsection 7 (4) currently provides that where an applicant requires a licence for the purpose of transporting goods through Ontario, public necessity and convenience shall be deemed to have been established upon the applicant filing with Board evidence that the applicant holds appropriate operating licences issued by the provinces where the transportation by the applicant will originate and terminate. The provision as recast expands this provision to give "other jurisdictions" that same status as provinces so that for example, "in transit" moves which begin or end in the United States can be dealt with in the same manner.

Referrals to the Ontario Highway Transport Board

This amendment permits the Minister, where an operating licence is ambiguous or the rights granted uncertain, to refer the licence to the Board so that the Board, after a hearing can amend the certificate on which the licence is based and thereby remove the ambiguity or uncertainty.

Exemptions

The following were added to the list of exemptions under the Act;

- certain farm supplies and produce while being transported in commercial motor vehicles equipped with not more than two axles;

- wheat transported by a person appointed to act as agent for the Ontario Wheat Producers' Marketing Board.

Intercorporate Transportation

Provision was made whereby a corporation may apply for a certificate of intercorporate exemption that has the effect of permitting affiliated corporations named in the certificate to transport each other's goods.

Fertilizer

The legislation was amended to provide that every operating licence authorize the holder to transport bulk fertilizer during the months of April, May and June.

P.C.V. Act Review Committee

Of primary importance to the Board was the announcement on May 8, 1981 of the establishment of a committee to review the Public Commercial Vehicles Act. In announcing the formation of the Committee The Honourable James Snow, Minister of Transportation and Communications, charged the Committee with the task of laying the groundwork for the development of a new Highway Transport Act which would take into consideration:

- present and future economic trends,
- future needs of shippers and carriers,
- technological advances such as electronic data transmission, and
- effective enforcement.

At the inaugural meeting of the Committee on June 9, 1981, the Minister underlined an earlier statement by the Premier of Ontario, the Honourable W.G. Davis, that there would continue to be a regulated trucking industry in Ontario. He also stated that he wanted legislation that was: "simple, sensible, enforceable, and encouraged flexibility and productivity to flourish."

The Committee which was chaired by Mark Larratt-Smith, Assistant Deputy Minister, Safety and Regulation, is composed of twenty-three representatives of various groups that have an interest in the truck transportation industry, including shippers, carriers and government. During its first six months the Committee began the process of receiving oral submissions from interested groups.

Board chairman, Bruce Alexander was named as a member of the committee and has endeavoured, through his representation at the many committee meetings, to ensure that the membership understands fully the role and responsibilities of the Board. One of his presentations to the committee was specifically designed to make the members familiar with the Board's operation.

In his presentation the Chairman covered:

- the development of the Board,
- administrative changes resulting from the Board review,
- policy guidelines,
- the application process,
- provision for review of decisions,
- fairness and impartiality,
- the independence of the Board.

BOARD POLICIES AND PROCEDURES

Policy Statements
(from 1978 to December 31, 1981)

Continuing its practice of publishing formulated policy, the Board issued policy statements in connection with complementary authorities, notice of objection, change of name of licence holder or shipper on PV/PCV operating authority and issuance of summonses.

Board Policy Statements issued to date by the Board are as follows:

No. 001/78-9-29 (cancelled and superseded by Policy Statement No. 004/79-8-2)	Renewal of licence under the Public Commercial Vehicles Act.
Effective date:	September 29, 1978
No. 002/79-2-1	Adjournment of Hearing.
Effective date:	February 1, 1979
No. 003/79-5-14	Admissibility as evidence of photocopies and microfilm prints.
Effective date:	May 14, 1979
No. 004/79-8-2	Renewal of a public commercial or public vehicle operating licence.
Effective date:	immediate
No. 005/79-9-7	Recording of hearing proceedings.
Effective date:	September 7, 1979
No. 006/79-9-7	Transfers and temporaries.
Effective date:	September 7, 1979
No. 007/79-9-7	Cancellation of interim licence of adjournment of hearing.
Effective date:	September 7, 1979
No. 008/79-11-19	Expanded use of Section 8 proceedings.
Effective date: (amended by Policy Statement No. 012/81-1-1)	immediate
No. 009/80-1-14	Hearing procedures for applications for Class 'R' Operating licence.
Effective date:	immediate
No. 010/80-9-4	Complementary authorities.
Effective date:	Draft for discussion purposes – no implementation date.
No. 011/8 -9-30	Distribution of notices of decision.
Effective date:	immediate
No. 012/81-1-1	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings.
Effective date:	January 1, 1981

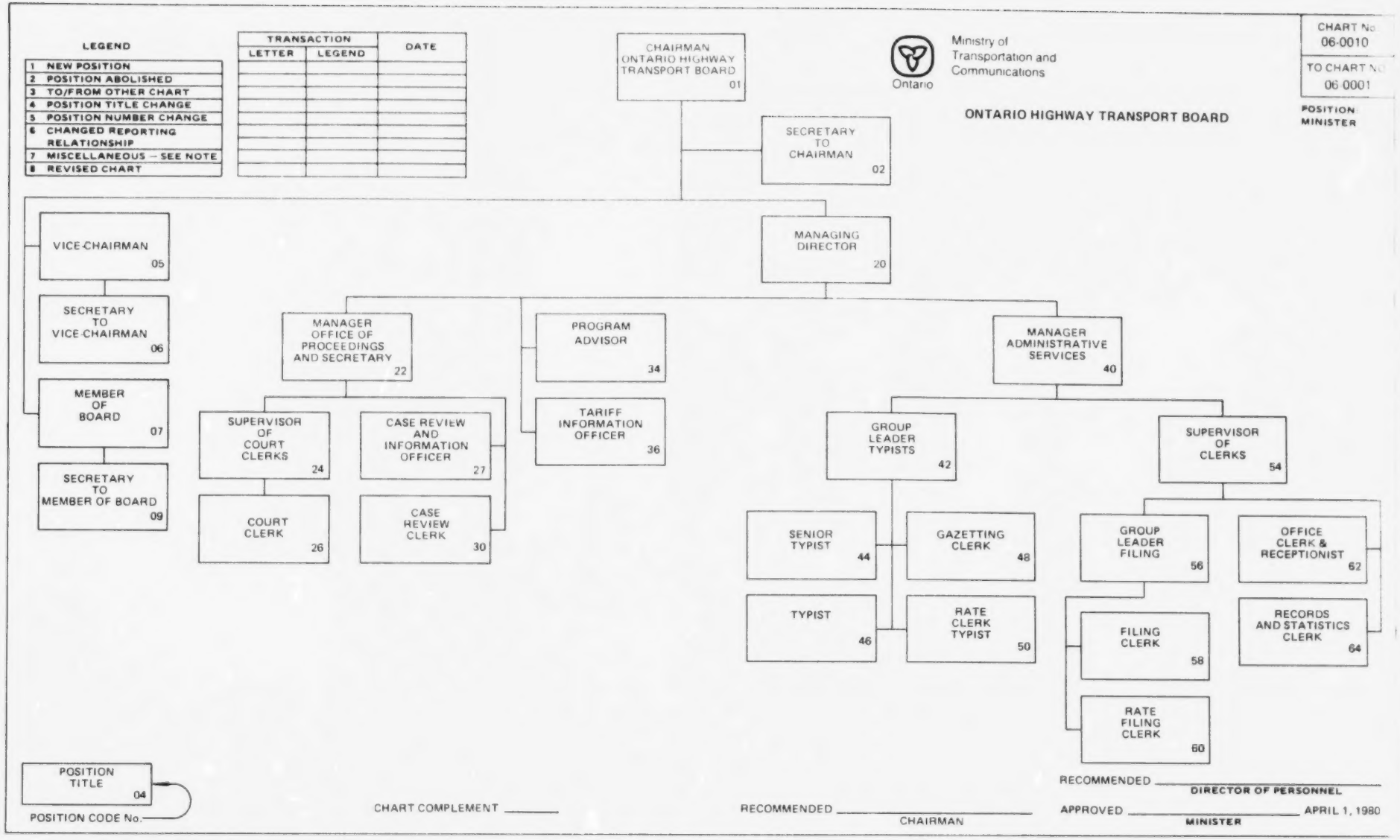
No. 013/81-06-25	Complementary authorities.
Effective date:	immediate
No. 014/81-09-16	Filing of Notices of Objection.
Effective date:	September 16, 1981
No. 015/81-12-02	Change of name of licence holders or shippers on P.V. and P.C.V. Operating Licences.
Effective date:	immediate
No. 016/81-12-02	Issuance of Summonses.
Effective date:	December 2, 1981

Policy Statements published by the Board during the period January 1 - December 31, 1981 are appended to this report (Appendices B-1 to B-5).

SUMMARY OF BOARD STATISTICS

1.	Board revenue for 1981	=	$255,293.00
2.	Applications for permanent licenses processed by the Board	=	1860
	1172 P.C.V. applications = 63.02%		
	180 P.V. applications = 9.67%		
	508 M.V.T.A. applications = 27.31%		
	Decisions after public hearing	=	1106
	Decisions without public hearing	=	754
3.	Matters heard or dealt with by the Board consisted of:		
	- applications for a permanent licence	=	1860
	- applications for a temporary or interim licence	=	761
	- applications for transfer of shares approval	=	46
	- applications for transfer of operating licence	=	426
	- applications for P.V. tariff approval	=	294
	- reasons for decision issued	=	197
	- applications for vehicle lease approval	=	530

Detailed statistical analysis of the Board's activities during 1981 are set out in Appendices 'D-1 to D-6'.


LEGEND
1 NEW POSITION
2 POSITION ABOLISHED
3 TO/FROM OTHER CHART
4 POSITION TITLE CHANGE
5 POSITION NUMBER CHANGE
6 CHANGED REPORTING RELATIONSHIP
7 MISCELLANEOUS – SEE NOTE
8 REVISED CHART
TRANSACTION
LETTER
LEGEND
DATE
CHAIRMAN ONTARIO HIGHWAY TRANSPORT BOARD 01
Ontario
Ministry of Transportation and Communications
ONTARIO HIGHWAY TRANSPORT BOARD
CHART No. 06-0010
TO CHART NO. 06-0001
POSITION: MINISTER
SECRETARY TO CHAIRMAN 02
VICE-CHAIRMAN 05
SECRETARY TO VICE-CHAIRMAN 06
MEMBER OF BOARD 07
SECRETARY TO MEMBER OF BOARD 09
MANAGING DIRECTOR 20
MANAGER OFFICE OF PROCEEDINGS AND SECRETARY 22
SUPERVISOR OF COURT CLERKS 24
COURT CLERK 26
CASE REVIEW AND INFORMATION OFFICER 27
CASE REVIEW CLERK 30
PROGRAM ADVISOR 34
TARIFF INFORMATION OFFICER 36
MANAGER ADMINISTRATIVE SERVICES 40
GROUP LEADER TYPISTS 42
SENIOR TYPIST 44
TYPIST 46
GAZETTING CLERK 48
RATE CLERK TYPIST 50
SUPERVISOR OF CLERKS 54
GROUP LEADER FILING 56
FILING CLERK 58
RATE FILING CLERK 60
OFFICE CLERK & RECEPTIONIST 62
RECORDS AND STATISTICS CLERK 64
POSITION TITLE 04
POSITION CODE No.
CHART COMPLEMENT
RECOMMENDED
CHAIRMAN
RECOMMENDED
DIRECTOR OF PERSONNEL
APPROVED
MINISTER
APRIL 1, 1980

APPENDIX 'B-1'

POLICY STATEMENT – 012/81-01-01

Item: This is an amendment to and should be read in conjunction with the Policy Statement issued on November 19, 1979 with respect to Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act**. The said Section 8 reads as follows:

8. – (1) The Board may, in its discretion, publish notice of an application or reference in The Ontario Gazette without fixing a day for a hearing.

(2) If no objection is served and filed in the manner prescribed by section 5 within twenty-nine days of the publication, the Board **may** dispose of the application or reference summarily.

(3) If an objection is served and filed within twenty-nine days of the publication, the Board shall fix a date for the hearing with notice to all parties, and the procedure is thenceforth the same as for a proceeding to which this section does not apply.

Objective: To improve the Board's scheduling process and to reduce the number of public hearings.

Background: Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act** provides, among other things, that the Board may dispose of an application without a public hearing where notice of the application has been published in The Ontario Gazette without fixing a date for hearing and no objection to the application is served and filed within 29 days of the publication.

The current policy of the Board is to publish notice pursuant to Section 8 for all applications, with the exception of Class 'R' and 'W' applications. When no objection is filed, the following may be disposed of without a public hearing provided that they are supported by appropriate documentation:

(a) Public Vehicle school bus;

(b) applications for reinstatement of operating licences received on or before September 30th in the year of expiry and where accompanied by an interim application supported with the appropriate affidavits;

(c) applications for corridor authority through the Province of Ontario when accompanied by permanent complementary authorities from the jurisdictions of origin and destination;

(d) Class 'E' applications involving a change of milk producers for and on behalf of the Milk Marketing Board or cream products for and on behalf of the Ontario Cream Marketing Board;

(e) applications for transfer of shares or operating licences in most situations where the consideration for the sale is less than one (1) million dollars and there exists no other reason for the Board to review the transfer at a hearing;

(f) Class 'D' applications;

(g) other miscellaneous matters of a normally routine nature.

In the Ontario Gazette of May 3, 1980 the Board advertised a special meeting to review the use of Section 8 advertising of applications. The meeting was held on June 6, 1980, and the following policy statement has taken into consideration the oral and written submissions put forward at that meeting.

Policy:

The Board will continue to publish notice pursuant to Section 8 for all but Class 'R' and 'W' applications.

The Board will extend its practice of disposing of unopposed applications without a public hearing to include Class 'E', 'F', 'FS' and 'T' applications and extra-provincial applications for named shippers or named commodities.

The following procedure will apply to applications published pursuant to Section 8:

(a) an applicant may be requested to clarify the terms of the application before publication in The Ontario Gazette;

(b) an applicant may be required to file documentation with respect to the application (e.g. agreement of purchase and sale, school board contract, complementary authority, etc.) before publication in The Ontario Gazette;

(c) when the application is in an acceptable form for publication and appropriate documentation has been filed, it will be published pursuant to Section 8;

(d) to assist the Board in scheduling a hearing when necessary, an applicant will be requested to advise the Board of the following matters on a card provided at the time of publication:

(i) length of time required to present applicant's case;

(ii) number of witnesses expected to be called;

(iii) dates upon which an applicant or his counsel is unable to attend a hearing.

(e) where an application is opposed within 29 days of publication, a hearing will be scheduled on notice to the parties without further advertisement. Scheduling can be spoken to at the scheduling meeting held each Thursday in Hearing Room No. 1 at the Board Offices, 151 Bloor Street, West, 10th Floor, Toronto or by writing to the Secretary of the Board at the same address;

(f) where an application is not opposed within 29 days of the publication and is in the category of applications eligible to be disposed of without a hearing, a request will be mailed to the applicant or his solicitor for affidavits in support of the application to be received on or before a certain date. If appropriate documentation is not received within the specified time, the matter will be set down for a public hearing on notice to the applicant.

Applicants anticipating no opposition to their applications are encouraged to prepare affidavits in support during the 29 day advertising period to enable prompt filing of this material with the Board and an expeditious final disposition.

In addition to those unopposed applications in categories eligible to be disposed of without a public hearing, the Board will consider disposing of any other unopposed application under **The Public Vehicles Act**, **The Public Commercial Vehicles Act** or **The Motor Vehicle Transport Act** (Canada) without a public hearing where it is satisfied that a hearing is unnecessary to establish public necessity and convenience.

It should be noted that publication of an application pursuant to Section 8 does not guarantee disposition without a public hearing or a grant of the application.

Effective date: January 1, 1981

APPENDIX 'B-2'

POLICY STATEMENT - 013/81-06-25

Item: Complementary authorities.

Objective: To streamline existing procedures.

Background: The standard policy in Canadian jurisdictions is that a carrier wishing to provide an extra-provincial service is expected first to obtain authority from its home jurisdiction where the home jurisdiction is involved in the transportation service, before applying for complementary authority in the other jurisdictions involved.

Certificates of public necessity and convenience for extra-provincial operating licences have in the past contained a provision similar to the following:

> "PROVIDED that this authority expires on the day of , 19 , unless prior to that date complementary authority as issued by the Manitoba Highway Transport Board is filed with the Ontario Highway Transport Board."

More recently such certificates have contained a provision similar to the following:

> "PROVIDED that any extra-provincial operating licence issued pursuant to this certificate shall expire on the day of , 19 , unless prior to that date complementary authorities as issued by the Provinces of Manitoba and Saskatchewan are filed with the Ontario Highway Transport Board."

In both examples the licensee is required to obtain and file with the Board the requisite complementary authorities within a restricted time period.

If the necessary authorities are filed, the Board will amend its certificate by substituting a provision similar to the following:

> "PROVIDED this authority be operated only in conjunction with the complementary authority as issued by the Interstate Commerce Commission of the United States of America, No. dated and filed with the Ontario Highway Transport Board."

Present practice is that the Board reviews the file three months prior to the expiration of the time allotted and if one or more authorities are not filed the licensee will be advised that unless it files them immediately or submits an application to extend the time for filing them, the Board will revoke its certificate or the portion of the certificate that relates to the missing complementary authority.

If an extension of time application is submitted it is advertised in the usual manner and applicants are asked to explain why the complementary authority was not obtained. Unless the carrier provides a reasonable explanation the Board will direct that the matter be set down for a public hearing.

Policy:

In all certificates of public necessity and convenience issued for extra-provincial authority provisions similar to the following will appear:

> "Complementary authorities as issued by the Boards and/or Commissions of the Provinces of Manitoba, Saskatchewan and Alberta must be filed with the Ontario Highway Transport Board by the day of 19
>
> Any extra-provincial operating licence issued pursuant to this certificate shall expire on the day of , 19 with respect to those jurisdictions for which complementary authority has not been filed."

Under these provisions extra-provincial operating licences or appropriate portions thereof will expire unless necessary complementary authorities or an application for an extension of time is filed with the Board prior to the specified termination date. The time limit **cannot** be extended by application to the Board after the licence has terminated. Where some but not all of the complementary authorities are filed with the Board, only that portion of the operating licence for which no complementary authority has been filed will expire.

Complementary authorities should be filed three months in advance of the expiration date. If complementary authorities cannot be filed before the expiration date an extension of one year may be obtained upon application to the Board. A longer period may be granted if reasonable under the circumstances. Applications for extensions of time should be filed at least one month prior to the expiration date.

The Board must be satisfied that justification exists for the additional period and may require that the application be considered at a public hearing.

Certificates will normally provide for a minimum filing period of 3 years.

APPENDIX 'B-3'

POLICY STATEMENT – 014/81-09-16

Item: The filing of Notices of Objection under Regulation 632 of The Ontario Highway Transport Board Act.

Objective: This Statement is issued for the purpose of clarifying Board procedures.

Policy: It is now the Board's practice (refer to the Board's Statement dated 1st January 1981) to publish most applications pursuant to Section 8 of Regulation 632. This section permits the Board to publish notice of an application in the Ontario Gazette without fixing a day for the hearing and if no objections are filed within 29 days of publication to dispose of the application summarily i.e. without a hearing. If an objection is filed within the prescribed 29 days the Board fixes a date for hearing and the hearing proceeds in the same manner as if Section 8 had not been invoked.

Where an objection has been filed within the 29 day period the question has been raised as to whether further Notices of Objection may be filed at least 15 days before the hearing date pursuant to Section 5 of the Regulation without the necessity of moving by way of Notice of Motion with respect to the time interval. The Board is of the opinion that where under Section 8 a hearing is required the provisions of Section 5 apply to such hearing and further Notices of Objection may be served and filed as prescribed "at least 15 days before the date set for the hearing" without proceeding by way of Notice of Motion.

It is to be noted that Notices of Motion will still be required where an abridgement of the prescribed 15 day period is required.

Effective date: immediate.

APPENDIX 'B-4'

POLICY STATEMENT - 015/81-12-02

Item: Change of Name of Licence Holders or Shippers on P.V. and P.C.V. Operating Licences.

Objective: To clarify Board policy.

Policy:

1. Change of Name of Licence Holder

Where only the change of name of a licence holder is involved the Board requires a letter advising of the change of name along with a copy of the Certificate of Amendment to the Articles of Incorporation or an equivalent official document. On receipt of proper documentation the Board will revise its records and advise the Ministry of Transportation and Communications accordingly.

A change of name of a carrier resulting from a merger or amalgamation will be dealt with in the same manner except that the Board will also require a copy of the relevant Agreement along with a copy of the official Certificate of Amendment to the Articles of Incorporation.

2. Change of Name of Shipper – Amalgamation

A procedure, similar to Section 1. above will be followed where the name of a shipper designated in a licence is changed as a result of a corporate name change or amalgamation.

3. Change of Name of Shipper – Acquisition

Where a shipper sells his business to another company and the other company becomes the owner of the shipping location involved a formal application to the Board for amendment of the licence is required.

Mergers or amalgamations of licence holders or shippers regardless of whether or not they involve changes of name should be reported to the Board.

Effective date: immediate

B.B. Alexander
Chairman

APPENDIX 'B-5'

POLICY STATEMENT – 016/81-12-02

Item: Issuance of a summons.

Objective: To clarify Board policy in respect to the issuance of a summons under Section 12 of The Statutory Powers Procedure Act.

Policy: A request for a summons should set out:

(a) the name and address of the person making the request;

(b) the application for which the summons is requested;

(c) the name and address of the person to be served with the summons, their connection with the application and the reason why the subpoena is required; and

(d) a list of the records, books or documents to be produced by the person to be served and the statute under which the hearing is proceeding, i.e., The Public Commercial Vehicles Act, The Ontario Highway Transport Board Act or The Motor Vehicle Transport Act.

The request should be:

(1) accompanied by Board fee of $5.00 payable to "The Treasurer of Ontario"; and

(2) received by the Board at least 24 hours prior to the time at which it is required.

A summons must be served personally on the person summoned who shall be paid fees for his attendance similar to those paid a witness summoned to attend before the Supreme Court (Section 12(2) of The Statutory Powers Procedure Act).

Effective date: immediate

B.B. Alexander
Chairman

APPENDIX 'C-1'

O.I.C. POLICY STATEMENT
P.C.V.A. (GENERAL)

OC #: 2105/79
Certification Date: 18th, July, 1979
Gazette Date: 11th, August, 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1980, c.407 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications recommends that the Ontario Highway Transport Board, in determining questions of public necessity and convenience, take into consideration the need for an efficient and viable transportation industry which, given the characteristics of the suppliers and the nature of the market to be served, will:

1. support Ontario's general economic productivity;
2. use capital, equipment and manpower resources efficiently;
3. promote the efficient use of energy and minimize empty movements;
4. be responsive to existing market demand and changes thereto in terms both of the level and type of service;
5. offer service at the lowest cost in the long run;
6. be characterized by effective competition both within the trucking industry and between the trucking industry and other modes;
7. be innovative in service levels, equipment design and utilization, administration and freight-handling procedures;
8. take advantage, where possible, of intra-modal and inter-modal co-ordination; and
9. be provided by an appropriate mixture of small, medium and large operators.

APPENDIX 'C-2'

O.I.C. POLICY STATEMENT P.C.V.A.
(CARTAGE)

O.C. #: 2104/79
Certification Date: 18th, July, 1979
Gazette Date: 11th, August, 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1980, c.407 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to determining whether to recommend the designation of a commercial cartage zone:

1. the extent to which a single local community of economic interest exists throughout the area under consideration for inclusion in the commercial cartage zone;

2. the extent of economic interaction among the businesses and industries located within the commercial cartage zone under consideration;

3. the patterns of existing and predicted demand for local and line-haul trucking services;

4. the present availability of both local and line-haul trucking services to shippers; and

5. the impact of the creation of a commercial cartage zone upon existing local and line-haul carriers.

APPENDIX 'C-3'

O.I.C. POLICY STATEMENT – P.C.V.A.
(CLASS W)

O.C. #: 114/80
Certification Date: 23rd, January, 1980
Gazette Date: 16th, February, 1980

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1980, c.407 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that, in addition to the considerations set out in Order-in-Council numbered OC-2105/79, the following matters be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to applications for Class 'W' public commercial vehicle operating licences for the transportation of logs, timber, rough or dressed lumber, laminated lumber, laminated wood blocks, wooden ties and poles, plywood, particle board, waferboard, fibrewood, veneer, bark, woodchips, shavings, sawdust and wood flour.

1. The needs of shippers supporting the application and the ability of the applicant to provide a safe and efficient transportation service shall be given primary consideration..

2. Evidence of a licensed carrier opposing an application shall be given weight relative to the extent to which such carrier currently transports Class 'W' commodities from the region in respect of which the application is made and the extent to which his transportation service to the public would be adversely affected by the granting of the licence to the applicant.

3. Where the applicant is a licensed carrier, evidence that a Class 'W' licence would result in better utilization of the applicant's equipment moving from the regions for which the application is made shall be considered.

4. Evidence of public necessity and convenience in respect of one or more commodities shall be considered as support for the granting of the total list of commodities for which a Class 'W' licence may be issued.

APPENDIX 'C-4'

O.I.C. POLICY STATEMENT P.V.A. (GENERAL)

O.C. #: 3005/78
Certification Date: 18th, October, 1978
Gazette Date: 11th, November, 1978

(Pursuant to **The Public Vehicles Act**, R.S.O. 1980, c.425 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience:

1. The availability of an efficient inter-urban bus passenger and associated express freight service, reflecting public demand and the integration of such service with all other passenger transportation systems in Ontario;

2. The need for competition to ensure the best service at the lowest cost to the public, while having regard to the economic impact on the licensed carriers;

3. The ability and willingness of the applicant to provide service for which there is public demand, combining, as appropriate to the market to be served, marginal or sub-marginal and profitable services;

4. The suitability of the applicant's proposed scale and style of operations in the market to be served.

APPENDIX 'C-5'

O.I.C. POLICY STATEMENT P.V.A.
(AIRPORT)

O.C. #: 976/79
Certification Date: 4th, April, 1979
Gazette Date: 5th, May, 1979

(Pursuant to **The Public Vehicles Act**, R.S.O. 1980, c.425 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to ground transportation services involving Toronto International Airport:

1. Convenient, low cost inter-urban ground transportation services to and from communities served by Toronto International Airport.

2. Compatibility of services licensed under The Public Vehicles Act with the requirements for ground transportation services at the Airport as expressed by the Airport administration, taking into account motor vehicles serving the Airport under the authority of permits issued by the Airport Manager.

APPENDIX 'C-6'

O.I.C. POLICY STATEMENT P.V.A.
(CHARTER TRIPS)

O.C. #: 1835/81
Certification Date: 26th, June, 1981
Gazette Date: 18th, July, 1981

(Pursuant to **The Public Vehicles Act**, R.S.O. 1980, c.425 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to charter trips:

> 'Evidence that public necessity and convenience warrant the issue of a licence to operate a public vehicle on charter trips for which one fare or charge only is paid for the chartering of the bus constitutes such evidence with respect to charter trips for which a fare is paid by each passenger, which fare includes a charge for accommodation, meals or tickets of admission, unless there is substantial evidence to the contrary.'

Recommended _____
Minister of Transportation
and Communications

Concurred _____
Chairman

Approved and Ordered June 26, 1981

_____
Lieutenant Governor

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

for the period January 1, 1981 to December 31, 1981

Application Fees	$114,805.00
Court Costs	52,252.00
Leases	14,950.00
Tariffs (including copies)	68,991.00
Credits and U.S. Exchange	1,240.06
Miscellaneous	8,560.25
Gross Revenue	$260,798.31
Refunds and N.S.F. Cheques	- 5,505.14
Net Revenue	$255,293.17

APPENDIX 'D-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

for the period January 1, 1981 to December 31, 1981

CLASS	TOTAL	GRANTED	DENIED
The Public Commercial Vehicles Act:			
A	45	42	3
C	15	15	–
D	382	357	25
E	8	7	1
F	32	29	3
FF	1	1	–
FS	12	10	2
H	30	28	2
K	14	13	1
L	30	29	1
R	558	435	123
T	38	36	2
W	7	–	7
SUB TOTAL	1172	1002	170
The Public Vehicles Act:			
PV	97	88	9
PV (SB)	83	82	1
SUB TOTAL	1352	1172	180
The Motor Vehicle Transport Act:			
Goods	451	423	28
Freight Forwarders	3	3	–
Passengers	54	52	2
TOTAL	1860	1650	210

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Public Vehicle Tariffs	32	23	40	31	36	46	15	17	7	10	16	21	294
Leases	18	40	24	35	64	71	74	25	49	53	35	42	530
Reasons for Decision	9	9	17	23	21	10	14	16	13	12	25	28	197
Applications Withdrawn	36	60	43	31	54	48	25	9	24	50	58	52	490

APPENDIX 'D-3'

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS AFTER PUBLIC HEARING
for the Year 1981

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS							TRANSFERS	
	Applications	Denied	Granted	Applications	Denied	Granted	No. of cases opposed	% opposed	No. of Respon-dents	Average No. of Re-spondents	Shares	Licence
A	–	–	–	34	3	31	18	53%	113	6	–	2
C	–	–	–	10	–	10	5	50%	8	2	2	4
D	–	–	–	180	24	156	98	54%	267	3	–	2
E	–	–	–	2	1	1	2	100%	4	2	–	–
F	–	–	–	12	3	9	5	42%	30	6	–	–
FF	–	–	–	1	–	1	–	–%	–	–	–	–
FS	–	–	–	7	2	5	4	57%	19	5	–	–
H	–	–	–	22	2	20	16	73%	52	3	–	–
K	–	–	–	12	1	11	7	58%	26	8	–	–
L	–	–	–	6	1	5	–	–%	–	–	–	–
R	–	–	–	478	121	357	32	7%	32	1	–	6
T	–	–	–	21	2	19	9	43%	25	3	–	–
W	–	–	–	7	–	7	7	100%	31	4	–	–
SUB TOTAL	–	–	–	792	160	632	203	26%	607	3	2	14
PV	–	–	–	49	9	40	30	61%	101	3	1	1
PVS	–	–	–	14	1	13	3	21%	5	2	–	–
SUB TOTAL	–	–	–	855	170	685	236	28%	713	3	3	15
PCVX	–	–	–	231	27	204	105	45%	396	8	1	3
FFX	–	–	–	1	–	1	1	100%	8	8	–	–
PVX	–	–	–	19	2	17	16	84%	43	3	–	–
TOTAL	–	–	–	1,106	199	907	358	32%	1,160	3	4	18

APPENDIX 'D-4'

THE ONTARIC HIGHWAY TRANSPORT BOARD

BOARD DECISIONS WITHOUT PUBLIC HEARING

for the Year 1981

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS		
	Applications	Denied	Granted	Applications	Denied	Granted	Applications	Shares	Licences
A	54	3	51	11	–	11	15	2	13
C	20	–	20	5	–	5	11	1	10
D	152	71	81	202	1	201	64	7	57
E	2	–	2	6	–	6	9	1	8
F	15	3	12	20	–	20	17	–	17
FF	–	–	–	–	–	–	–	–	–
FS	5	3	2	5	–	5	16	–	16
H	2	2	–	8	–	8	3	–	3
K	7	2	5	2	–	2	5	–	5
L	2	–	2	24	–	24	–	–	–
R	202	95	107	80	2	78	172	1	171
T	11	1	10	17	–	17	9	6	3
W	–	–	–	–	–	–	2	–	2
SUB TOTAL	472	180	292	380	3	377	323	18	305
PV	64	11	53	48	–	48	24	3	21
PVS	38	2	36	69	–	69	57	–	57
SUB TOTAL	574	193	381	497	3	494	404	21	383
PCVX	184	82	102	220	1	219	63	24	39
FFX	–	–	–	2	–	2	–	–	–
PVX	3	2	1	35	–	35	5	1	4
TOTAL	761	277	484	754	4	750	472	46	426

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications	Applications Heard 'R' Licence	'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
January	Halton Hills	5	–	–	5	–	5	–	–
	Hamilton	1	–	–	1	–	1	–	–
	London	8	–	–	8	1	6	–	1
	Saskatchewan	1	–	–	1	–	1	–	–
	Sudbury	4	–	–	4	–	2	1	1
	Kitchener	1	–	–	1	–	1	–	–
	Windsor	3	–	–	3	1	1	–	1
	Sarnia	2	–	–	2	2	–	–	–
February	Thunder Bay	5	–	–	5	1	1	3	–
	Timmins	8	–	–	8	2	6	–	–
	St. Catharines	7	7	–	–	–	5	2	–
	Montreal	1	–	–	1	–	1	–	–
	Kitchener	9	9	–	–	1	8	–	–
	London	7	7	–	–	–	5	2	–
	Windsor	7	7	–	–	1	3	2	1
March	Peterborough	9	8	–	1	–	7	–	2
	Kingston	3	3	–	–	–	2	1	–
	Ottawa	23	23	–	–	2	13	6	2
	Welland	2	–	–	2	–	2	–	–
	Gananoque	1	–	–	1	–	–	–	1
	Belleville	2	–	–	2	–	2	–	–
	Sault Ste. Marie	10	5	–	5	–	8	2	–
	Sudbury	32	30	–	2	1	30	–	1
	Timmins	9	9	–	–	–	9	–	–
	Kapuskasing	8	6	–	2	–	7	1	–
	Fort Frances	1	1	–	–	–	1	–	–
	Dryden	5	5	–	–	–	5	–	–
	Thunder Bay	11	7	–	4	–	9	2	–

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications	Applications Heard 'R' Licence	'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
April	North Bay	2	–	–	2	–	1	–	1
	Whitby	3	–	–	3	–	3	–	–
	Shelburne	2	–	–	2	–	1	1	–
	Sarnia	2	–	–	2	–	2	–	–
	Ottawa	10	–	–	10	1	6	1	2
May	Kitchener	5	3	–	2	1	4	–	–
	London	9	2	–	7	2	4	3	–
	Burlington	1	–	–	1	–	1	–	–
	Hamilton	1	–	–	1	–	1	–	–
	Thunder Bay	1	–	–	1	–	1	–	–
June	Ottawa	2	JOINT HEARING		2	–	1	–	1
	Sudbury	2	–	–	2	–	1	1	–
	Thunder Bay	15	13	–	2	1	10	3	1
	North Bay	1	–	–	1	–	–	1	–
	Dryden	10	10	–	–	–	9	1	–
	Fort Frances	2	–	–	2	–	1	–	1
	Sudbury	31	27	–	4	–	24	2	5
	Kapuskasing	10	7	–	3	1	8	–	1
	Timmins	9	9	–	–	–	8	1	–
July	Ottawa	37	30	–	7	8	14	10	5
	Sault Ste. Marie	3	2	–	1	1	2	–	–
	Welland	2	–	–	2	–	–	–	2

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications	Applications Heard 'R' Licence	'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
August	Simcoe	1	–	–	1	–	–	–	1
	L'Orignal	4	–	–	4	–	4	–	–
	Whitby	1	–	–	1	–	–	1	–
	Woodstock	2	–	–	2	–	2	–	–
	Welland	3	–	–	3	–	–	3	–
	Hamilton	1	–	–	1	–	–	–	1
	Timmins	2	–	–	2	1	1	–	–
	Kitchener	1	1	–	–	1	–	–	–
	Thunder Bay	2	–	–	2	–	–	2	–
	Sault Ste. Marie	1	–	–	1	–	–	1	–
September	Winnipeg	2	–	–	2	–	1	–	1
	Thunder Bay	6	5	–	1	–	3	2	1
	Dryden	12	12	–	–	–	12	–	–
	Fort Frances	9	9	–	–	–	7	1	1
	Sudbury	19	16	–	3	1	13	2	3
	Timmins	4	4	–	–	–	2	1	1
	Kapuskasing	9	6	–	3	–	9	–	–
October	Kitchener	10	7	–	3	1	5	4	–
	London	27	13	–	14	3	16	7	1
	Thunder Bay	1	–	–	1	–	1	–	–
	Windsor	5	3	–	2	–	2	1	2
	Sarnia	2	–	–	2	–	2	–	–
November	Montreal	1	–	–	1	–	1	–	–
	Ottawa	36	21	–	15	7	14	9	6
	London	1	–	–	1	1	–	–	–
	Simcoe	1	–	–	1	–	1	–	–

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications Heard							
		Applications	'R' Licence	'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
November	Niagara Falls	3	–	–	3	2	1	–	–
cont'd	Midland	1	–	–	1	1	–	–	–
December	Kitchener	2	–	–	2	–	2	–	–
	North Bay	2	–	–	2	–	1	–	1
TOTAL		516	327	–	189	45	343	80	48

APPENDIX 'D-6'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED
January 1, 1981 to December 31, 1981

CLASS	
Public Commercial Vehicles Act	
A	152
C	60
D	683
E	16
F	67
FF	8
FS	38
H	55
K	30
L	6
R	874
T	68
W	30
Y	6
	2093
Public Vehicles Act	
PV	243
PVS	185
	428
Motor Vehicle Transport Act (Canada)	988
Total No. of Applications	3509
Total No. of Leases	598
Public Vehicle Tariffs referred	279

APPENDIX 'E'

1981
REPORT ON CLASS 'R' HEARINGS

In accordance with the Board's policy on Class 'R' matters Class 'R' hearings were conducted throughout the province from February 23 to April 2, 1981. 184 applications were dealt with. 136 applications were granted authorizing an additional 218 vehicles.

A number of written reasons were issued in matters where applications were denied or substantially reduced. In determining public necessity and convenience the major issues were applicants' fitness, stability of the 'R' industry, supply and demand, competition, appropriate mix of large and small carriers, safety, energy, dormancy and rates.

We wish to thank everyone who participated and particularly;

(a) The Ministry of Transportation and Communications and its representatives who provided statistics, and definitive information as to the Ministry's experience in 1980 and future requirements.

(b) Mr. D.M. Hopper of Ministry of Transportation and Communications for his explanation of how the M.T.C. minimum rate is established and utilized.

(c) The Ontario Aggregate Carriers Association; their brief and accompanying financial statements revealed the very difficult times many aggregate carriers experienced in 1980.

(d) The Greater Ottawa Trucking Association. Although urging the Board to limit new authorities in Region 4 their brief was of very helpful and positive nature. Their suggestion that the Board quantify future needs to the point an applicants fitness would be the only entry test is not practical at this time but is certainly an ultimate future goal.

(e) The Greater Northern Ontario Trucking Association for its rate information and estimate of the years requirements. To have a trucking association recommend a certain quantity of additional trucks is a very positive step and most helpful.

We were disappointed that the Ontario Aggregate Producers Association did not present any brief or provide any forecast information for 1981.

Several large aggregate producers supported various applications, however, their principle theme "there is always a need for more trucks" was neither very helpful nor, in our view, entirely accurate.

Considering all the evidence presented it is clear the industry will not support all the fit and willing persons who would like to become licensed Class 'R' operators.

We hope the following report and recommendations will be helpful in maintaining a stable Class 'R' industry providing a high level of service at competitive rates.

Regions are listed in order of work potential as we see it.

Region 6

Demand for vehicles is high and should continue into 1982. New highway construction, expansion of the forest industry, particularly in the area of Dryden, and Ontario Hydro at Atikokan, may all require additional trucks in 1981. The Board hopes to deal with requirements on a permanent basis but will issue temporary authority if necessary.

Region 5

Prospects for Class 'R' work are good, due partly to acceleration of highway construction to service the mining industry. The Board has issued a substantial number of new authorities in this region. We do not anticipate any need for temporary authorities.

Region 2

During 1980 work was very spotty. Many carriers suffered substantial losses. Over 600 authorized vehicles were dormant, i.e. were not licensed from April 1, 1980 to January 1, 1981.

Work prospects are better for 1981 but in our view not to the extent additional vehicles will be required before September unless there is a reduction in interest rates and a major increase in housing starts.

Region 3

We see little demand for additional vehicles in this region. If demand occurs toward fall it will probably be in the Sarnia area.

Region 4

1980 was a poor year for Class 'R' operators in this region. Problems will continue into 1981. We foresee little demand for additional vehicles.

We make the following recommendations:

(1) Class 'R' applicants be advised by every possible means not to buy a truck before acquiring the necessary Class 'R' authority.

(2) Steps be taken to reduce dormant authorities. We respectfully suggest authorities that are not fully utilized for a given 2 year period such as January 1, 1980 to January 1, 1982 be revoked and new authority issued for the greatest number of vehicles beneficially owned and licensed during that period.

(3) Field investigations be conducted to determine service levels being provided by the Class 'R' carriers to major aggregate producers.

(4) Class 'R' applications be grouped by the Board and heard at times suitable to meet current needs. Although grouping may result in slight delays in hearing some applications we believe the benefits to the public far outweigh any individual delay. The advantages are:

    (a) Shippers may support several applicants with one appearance and respondents may oppose.

(b) The Board will hear a broad cross section of evidence enabling it to adequately meet current needs.

(c) Reduced hearing costs.

G.J. Norton
Vice Chairman

E.J. Canning
Member

April 14, 1981